UNITED
NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/BGD/3-4
1 April 1997

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Third and fourth periodic reports of States parties

BANGLADESH*

* The present report is being issued as received, without formal editing. For the initial report submitted by the Government of Bangladesh, see CEDAW/C/5/34; for its consideration by the Committee, see CEDAW/C/SR.96, 97 and 99, and Official Records of the General Assembly, Forty-second Session, Supplement No. 38 (A/42/38), paras. 503-572; for the second periodic report submitted by the Government of Bangladesh, see CEDAW/C/13/Add.30; for its consideration by the Committee, see CEDAW/C/SR.220 and 227, and Official Records of the General Assembly, Forty-eighth Session, Supplement No. 38 (A/48/38), paras. 248-326.

97-09124 (E) 080697

/...

CONTENTS

		Page
INTRODUCTION		8
I.	BACKGROUND FRAMEWORK	9
1.1	Country Profile/Background	9
1.2	Status of Women in Bangladesh	11
1.3	General Legal Framework Within Which Legal Rights are Protected	19
1.4	National Machineries	20
1.5	Information and Publicity	21
1.6	Remaining Obstacles Encountered by Women	22
II.	PROGRESS REPORT ON ARTICLES TWO TO SIXTEEN OF THE CONVENTION	23
2.1	Obligation to Eliminate Discrimination	23
2.2	The Development and Advancement of Women	27
2.3	Temporary Special Measures	28
2.4	Sex Roles and Stereotyping	32
2.5	Suppression of the Exploitation of Women	35
2.6	Elimination of Discrimination Against Women in Political and Public Life	38
2.7	Equal Opportunity for International Representation and Participation	43
2.8	Equal Rights with Regard to Nationality	43
2.9	Equal Rights in the Field of Education	44
2.10	Equal Employment and Training Opportunities	51
2.11	Equality of Access to Health Care	59
2.12	Equal Rights With Regard to Economic and Social Benefits	65
2.13	Particular Problems Faced by Rural Women	67

CONTENTS (continued)

Page

2.14 Equality Before the Law and in Civil Matters 75

2.15 Equality in Marriage and Family Law 77

III. MEASURES TAKEN TO IMPLEMENT THE BEIJING PLATFORM FOR ACTION 85

3.1 Drafting of a National Action Plan 85

3.2 Goals and Strategies of the National Action Plan 86

3.3 Other Initiatives Taken 90

3.4 NGO Follow-up to the Beijing Conference 90

List of tables

Table 1: Number of Educational Institutions for Boys and Girls, Students and Teachers by Sex 13

Table 2: Situation of Women in Direct Elections 39

Table 3: Women's Participation at Ministerial Levels (1972-1990) 40

Table 4: Women and Men in Public Sector/Government Service in Various Service Categories 42

Table 5: Number of Civil Officers and Staff in the Secretariat, Departments and Autonomous Bodies and Number of Female Employees by Category (as of 1 January 1993) 42

Table 6: Enrolment by Sex and Percentage of Female Teachers (1990-95) in Mainstream Primary Education 45

Table 7: Enrolment in Secondary Schools by Sex and Management, 1990-94 45

Table 8: Basic Statistics of Higher Education and Universities 1990-94 46

Table 9: Labour Force Participation in Various Surveys 52

Table 10: Employed Persons 15 Years and Over by Major Industry and Sex 55

Table 11: Percent Distribution of Workers by Weekly Income, Gender and Locality 56

Table 12: Employed Population 10 Years and Above by Employment Status . 58

Table 13: Indicators of Health and Family Planning Sector 59

CONTENTS (continued)

Page

Table 14: MCH-FP Goals and Achievements 62

Table 15: Number of VGD Women in Union Parishad VGD Sub-project 1989-90 to 1994-95 69

ANNEXURE - A 91

REFERENCES 92

ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
ADAB	Association of Development Agencies in Bangladesh
ASA	Association for Social Advancement
ASSP	Agriculture Support Services Project
BANBEIS	Bangladesh Bureau of Educational Information and Statistics
BBS	Bangladesh Bureau of Statistics
BGMEA	Bangladesh Garment Manufactures and Exporters Association
BRAC	Bangladesh Rural Advancement Committee
BRDB	Bangladesh Rural Development Board
BJMS	Bangladesh Jatiyo Mohila Sangstha
BSCIC	Bangladesh Small and Cottage Industries Corporation
CBR	Crude Birth Rate
CDR	Crude Death Rate
CDP	Crop Diversification Programme
CPR	Contraceptive Prevalence Rate
DWA	Department of Women Affairs
GNP	Gross National Product
HPSS	Health and Population Sector Strategies
HSC	Higher Secondary Certificate
HIV	Human Immune Deficiency Virus
ILO	International Labour Organisation
IMR	Infant Mortality Rate
ICPD	International Conference on Population and Development
LFS	Labour Force Survey
MCH	Maternity and Child Health

MOWCA	Ministry of Women and Children Affairs
MMR	Maternal Mortality Rate
NAP	National Action Plan
NRR	Net Reproductive Rate
NCWD	National Council for Women Development
PFA	Platform for Action
PKSF	Palli Karma Shahayak Foundation
SAARC	South Asian Association for Regional Cooperation
STD	Sexually Transmitted Disease
SSC	Secondary School Certificate
THC	Thana Health Centre
TFR	Total Fertility Rate
UNICEF	United Nations International Children Emergency Fund
VGDP	Vulnerable Group Development Programme
WID	Women in Development
WEDP	Women's Entrepreneurship Development Programme
WFP	World Food Programme

GLOSSARY

CHOWKIDAR	Village Security guard
MADRASHA	Educational Institution with special emphasis on religion
SATELLITE CLINIC	Mobile temporary medical clinic at village level for mother and child care
SHALISH	Local level mediation body
STRIDHAN	The property given to a woman from her family at the time of her marriage
UNANI and AYURVEDI MEDICINE	Traditional Herbal Medicine
UNION PARISHAD	Lowest tier of Local Government

COMBINED THIRD AND FOURTH PERIODIC REPORT ON ELIMINATION OF DISCRIMINATION AGAINST WOMEN IN BANGLADESH (SUBMITTED TO UN CEDAW)

INTRODUCTION:

1. This report is a combination of the Third and Fourth Periodic Report of Bangladesh CEDAW/C/BGD/3. The Third Periodic Report submitted on 8 April 1993 for consideration by the Committee on the Elimination of All Forms of Discrimination Against Women has been updated and placed as the Combined Third and Fourth Periodic Report. This report covers the period from 1990 to 1996 and highlights the developments in each area covered by the Convention during the period. The report consists of three main parts.

2. The first part provides information on the current socio-economic and the political situation in the country resulting from the growing consciousness of women's issues including the latest available data to evaluate the current status of women.

3. The second part provides specific information relating to Article 2 to 16 of the Convention with emphasis on newly adopted legal measures, new policies and programmes to promote the elimination of discrimination against women as well as remaining obstacles to women's participation on an equal basis with men in all spheres of life. Information on reservations made by Bangladesh on Articles 2, 13(a) and 16.1(a) and 16.1(f) is provided when the relevant articles are discussed.

4. Part three of the report provides information on measures taken to implement the twelve critical areas of concern of the Beijing Platform For Action.

PART I. BACKGROUND FRAME WORK

1.1 Country Profile/Background:

1.1.1 Area, Geography and Population:

The People's Republic of Bangladesh is situated in the northern tropical zone between 23-27 degree North latitude and 88-92 degree East longitude and has a territory of about 147,570 square kilometres. It is the largest deltaic plain of the world with a 400 mile long coast. The country, which is predominantly rural frequently suffers from calamities like flood, cyclone, drought, tidal waves, etc.

Bangladesh has a population of about 120 million, nearly 88 percent of whom are Muslim. About 80 percent of the population lives in rural areas. It is one of the most densely populated, countries of the world with a population density of 755 per sq.km. The crude birth rate of 26.9 and crude death rate of 8.5 result in a natural growth rate of 1.9. About 16 percent of the population is under 5 years of age (16.15 percent males and 16.78 percent females) of age and 45.15 percent under 15 (45.32 percent males and 44.96 percent females) according to the 1991 Census. The population over 65 years of age is 3.23 percent (3.62 percent males and 2.81 percent females). The dependency ratio of 1.02 creates pressure not only for mother and child health care but for pre-school care and on the entire family structure and is also a burden on the economy. Life expectancy at birth is 58 years for females and 58.9 years for males. Infant mortality rate was 78 per 1000 in 1995 (1). About 48.5 percent of the total population are women and the sex ratio of men to women is 106 according to Population Census of 1991.

Various tribal groups make up less than 1 percent of the population. They are located mainly in the Northern-Eastern and South-Eastern hilly regions of the country. They are constitutionally guaranteed equal rights and each tribe has its own religion and culture. Some of these groups are Buddhists and converted Christians. About 0.3 percent of the total population follows various tribal religions.

Bengali is the state language and all citizens speak Bangla except for the tribal groups who have their own languages.

The annual average labour force growth rate is 2.9 percent. The economy being unable to absorb the growing labour force faces tremendous unemployment problems. In 1995/96, 56 million persons i.e. almost half of the total population was in the labour force. The rapid population growth and young age structure (45 percent under 15 years) are key elements to explain Bangladesh's socio-economic situation and the prevalence of poverty.

1.1.2 Economic Transition:

The economy is predominantly dependent on agriculture. In recent years the industrial and manufacturing sectors have been growing especially through increasing self-employment, and the

growth in the service and micro level manufacturing sectors. Yet the growth rate in the industrial sector is only 5.2. The contribution of agriculture, industry and the manufacturing sectors to the gross domestic product was 30 percent, 18 percent and 10 percent respectively in 1993/94(2). Manufacturing service units of the modern and organized sectors are to be found mostly in the urban areas. During recent years reforms such as reduction of control over investment; denationalization and privatization of public enterprises; liberalization of trade and tariff; and creation of congenial environment for private investment have contributed to the economic transition. These have helped in the growth of some export oriented manufacturing industries such as garments and shrimp which have employed women as a source of cheap labour.

In 1994/95 the per capita gross national product (GNP) was Taka 9,760 (US$ 232), the annual average inflation rate 8.6 and total external debt 13,879 million US Dollars. Due to high imports, negative balance of payments have existed every year in exports and imports. However, increased employment of labourers abroad in recent years has contributed to adjust the negative balance of payments with worker's remittances resulting in a positive net balance. This coupled with domestic resource mobilization has enabled the government to finance over one third of the development budget from its own resources during the last four years.

About 48 percent of the rural and 44 percent of the urban population live below the absolute poverty line as defined by WHO/FAO Expert Group for South East Asia. Though actual data on land ownership is scarce, studies have shown that landlessness is increasing every year, resulting in unemployment. Rural to urban migration in search of jobs has become a common phenomenon, creating social and economic imbalances. Analysis of rural poverty trends show that the proportion of people living in poverty fell from 57.5 percent in 1984 to 51.7 percent in 1994. Moderate poverty declined from 31.7 percent in 1987 to 29.2 percent in 1994 and extreme poverty declined from 25.8 percent to 22.5 percent during this period. Yet the degree of income inequality remains unchanged (3).

Micro-studies and labour force surveys indicate that the growth of rural non-farm sector has accelerated in recent years and has absorbed a part of the growing landless labour force and helped reduce poverty. About a third of the labour force work in the non-farm sector and half of them are employees or day labourers. Growth of income in farming has been nil and rural household income grew mainly in service, trade and non-crop agriculture. Employment in these areas is increasing.

Food consumption has grown and per capita cereal, meat, and fish consumption has increased during the last decade owing to a marked increase in food production through the use of modern technology in agriculture, and as a result of productive self-employment programmes and import liberalization of food items. Cereal import was reduced from 2194 thousand tons in 1980 to 1175 thousand tons in 1993. Food aid in cereals has been reduced from 1480 thousand tons in 1980 to 719 thousand tons in 1993 (4).

1.1.3 General Political Structure:

Bangladesh emerged as a sovereign country after a nine month independence struggle against Pakistan. The legal and administrative processes are based on its Constitution. The country reverted back to a Parliamentary form of government headed by a Prime-Minister in 1991. Elected representatives are responsible for two main areas of state intervention: policy making at the national level and local level development. Policy making and legislation are functions of the Parliament while local level development is carried out through local autonomous bodies. The lowest unit of local government is the Union Parishad run by public representatives. The country is administratively divided into 6 divisions consisting of 64 districts. The districts are also divided into several thanas (sub-districts) with 460 thanas in all. Districts are the main administrative units. The executive responsibilities of these administrative units are carried out by the civil servants.

Since 1991, the country has held three Parliamentary elections and one local government election. The city and municipal corporation elections were held in 1993.

1.2 Status of Women in Bangladesh:

1.2.1 Socio-Cultural:

Bangladesh is one of the seven countries in the world where the number of men exceeds the number of women. According to various indicators the status of women in Bangladesh is much lower than that of men. Traditional cultural, social and religious values and practices have reinforced the lower status of women accorded to them in society and have limited their opportunities for education, technical and vocational training, employment and participation in the overall development process.

Socio-economic changes triggered by increasing rates of landlessness and impoverishment have had a profound impact on women's lives. While poverty affects the household as a whole the women bear a disproportionate burden attempting to manage household production and consumption under conditions of increasing scarcity. Greater numbers of women than men are among the poor. The Poverty Trend Analysis in 62 villages found that 76 percent of women fell under the category "poor" in terms of income and resource endowments. Women are discriminated against in intra-household allocation of resources as well, in terms of food, education and health care.

Though women play a major role in the functioning of the household and the economy, they are generally not seen outside the domestic sphere. National statistics have not been able to account for their contribution in the form of domestic work and unpaid labour in family ventures. Although households headed by men are the norm national statistics show that about 8 percent of households are headed by women in Bangladesh. The percentage of de-jure and de-facto female headed household is increasing particularly among the poorest section of the rural population due to male out migration, desertion and divorce, to mention only a few causes. The actual number

of female managed households is likely to be much higher than officially reported, nearly 30 percent. The income distribution is more skewed among women headed households and the bottom 20-30 percent of women headed households are among the poorest in Bangladesh (5).

Over the last two decades women have gradually become more visible in the labour force, in development programmes and local institutions. It is worth mentioning that participation rate of females in the labour force is increasing at a faster rate than that of males. Women's role as productive agents whose contribution is crucial to attain a certain standard of living for the family is increasingly being recognized. In addition, the measurement of women's economic activities has been modified to better capture their contribution, as a result of which their participation rates are higher than before.

However, women's role should not be conceived in economic terms only. Their status and position should be considered in terms of education, training and job opportunities, income, employment, assets, health, and the role they play in the family and in society. These characteristics are crucial in determining the amount of political power and social prestige a woman is accorded and thus the extent to which she can influence decision-making within the home and in the community.

1.2.2 Education:

The overall literacy rate of the population (7 years and above) is 32.4 (6). The rate is 38.9 for males compared to 25.5 for females. Male children are still sent to school more frequently and parents are still more likely to spend more on their books made and education than that of girls as it is thought to be an investment in the case of boys who are expected to look after their parents financially in old age. Education for girls is considered as less useful as they are expected to get married and leave their families behind. Among rural households only one fourth of total educational expenses are for girls. Though the enrolment rate for girls has increased significantly to 78 percent, against 88.9 percent for boys (7), the drop out rate continues to be high. At the primary level completion rate has increased to 60 percent for both boys and girls but it is lower for girls at higher levels. At higher secondary level women's participation reached 25 percent of the total in 1994. At the university level 25 percent students and 14 percent of the teachers are women as of 1994/95. The proportion of women students is significantly less in technical disciplines such as agriculture and engineering which are considered as men's domain. In the technical universities only 9 percent students are women (8).

Table 1: Number of Educational Institutions for Boys and Girls, Students and Teachers by Sex:

Level	No. of Schools		Students		Teachers	
	Girls	Boys	Girls	Boys	Girls	Boys
Primary	1.2	98.8	45.4	54.6	20.0	79.6
Secondary	14.3	85.7	25.1	74.9	74.9	85.7

1.2.3 Health and Nutrition:

In Bangladesh, due to overall poverty health care receives inadequate resource allocations. At household level too, poverty results in limited expenditure on health care. Women are more disadvantaged than man in terms of access to health care and the quality of nutrition and health care received. Life expectancy is lower by almost a year for women. This is contrary to the norm in other countries where women tend to live longer than men. The household allocation for medical care for women is much lower than that of men (Tk. 18.8 and 24 respectively for women and men in rural areas) (9). Women family members are less likely to receive modern medical care and tend to receive traditional types of care instead. A recent study has found that adult men make up the largest single group to be admitted in hospitals followed by boys. Only 14 percent of births are attended by trained personnel. According to the approach adopted by the health services women's health care is often restricted to their reproductive health and general health of women of all ages is neglected.

The nutritional status of girl children, especially of rural girls, is worse than for boys. More than 12 percent of children between the ages of one to five suffer from acute malnutrition as measured by mid-upper arm circumference. For boys the rate is of 11.9 and for girls it is of 13.3 (as of 1992). The prevalence rate for boys in urban areas is 6.5 percent and for girls 10.2 percent. The prevalence rate for boys in rural areas is 12.6 percent for girls 13.7 percent. Biases in parental care, feeding patterns, intra familial food distribution and treatment of illness are all in favour of males. As a result, girl child mortality, malnutrition, morbidity and maternal mortality are high. Women are married at a much lower age than men with an average age gap of 8 years, and the incidence of marriage is highest among women aged 10-19 years. Forty nine percent women in the age group of 15-19 are married. Women's long child bearing span with the first birth at the age of 18 and high birth rate within an average of 4.5 living children aggravates women's nutritional status which is already poor due to inadequate food intake. Studies show that irrespective of income level a large percentage of women suffer from low body weight and height. This contributes to a cycle of high maternal mortality with an MMR of 459 per 100,000, malnutrition and low birth weight babies leading to infant mortality. The Infant Mortality Rate has been reduced from 190/1000 live births in 1980 to 78/1000 at present.

The health situation of urban women is worse than that of women in the rural areas. The urban population living in the slum areas do not have adequate sanitation, water and health facilities which results in poor health. Women and children are the worse sufferers in these places. The increase in rural-urban migration, unemployment and other factors have led to increased health risks for women including vulnerability to STD/HIV/AIDS.

1.2.4 Population Control and Family Planning:

In the last twenty years Bangladesh has achieved a great deal in this area. Total Fertility Rate (TFR) has fallen to 3.4 with 49 percent of the total population in the reproductive age group. Average age at marriage has increased from 13.5 years in the seventies to 19.9. Contraceptive Prevalence Rate (CPR) has increased to 45 percent. The Planning Commission projections show a population of 137.3 million by the year 2000. However in spite of the considerable achievements of the country various problems still persist. Early age at marriage, lack of opportunities for female education and employment, infant and child mortality rates which are still unacceptably high, and malnutrition persistently influence the high fertility and maternal mortality rates in Bangladesh. The contraceptive prevalence rate has increased to 45 percent.

1.2.5 Employment:

As regards employment, women in Bangladesh are far behind men. Nearly 43 percent women are involved in agricultural activities but 70 percent of them work as unpaid family labour. The 1991 census indicated that 11 percent of all women were economically active. Labour force participation rates for females stood at 9.9 and 14.1 percent in the Labour Force Surveys (LFS) of 1985-86 and 1990-91 respectively. The use of an extended definition of labour force activities which included a number of expenditure saving activities carried out by women resulted in their participation rate increasing to 61.6, 58.2 and 50.6 in the LFS of 1989. 1990-91 and 1995/96 respectively (10).

The trends of increasing landlessness and growing numbers of female headed households have subjected women to serious economic pressures. Gradual changes in attitude towards working women are also becoming apparent. An estimated 8 million women, of whom 40 percent live in rural areas, are seeking employment. The 1995/96 LFS found that 78.8 percent of the women who participated in the labour force were involved in the agriculture and fisheries sectors. Forty percent of the employed women work as unpaid family helpers, 18 percent as day labourers, 25.3 percent as employees and 22.3 percent are self-employed (See Table 12).

Women work harder and longer hours than men. Women's working days range from 14 to 15 hours including child rearing and household management. Women's participation in formal sector employment was negligible until the recent past. Women who were working outside the home were mostly engaged in teaching, medicine and nursing. Due to quota provisions at the entry level, women's participation rate in the public sector has increased to some extent. However, women fill only about 7 percent of the officer ranks, about 10 percent staff positions and only 5

percent at the low level worker positions and they constitute only 9 percent of the total employees. There are still very few at the management or policy making levels. Around 14.14 percent of total recruits into the public service have been women in the last five years.

Women's participation in the industrial sector is largest in the construction industry where many work as manual labourers. In the manufacturing sector, the export oriented industries such as electronics, garments and shrimp processing have attracted women. Rural to urban migration of women in search of jobs is a recent phenomenon. Local textiles, shoes, cosmetics and such other consumable production units have also employed women. The garment manufacturing sub-sector is the largest employer of women. More than three hundred thousand women work in about 2000 garment units and they constitute over 90 percent of the total labour force of the sector.

Women's economic participation is greater in the non-formal sector and has increased substantially due to the success of self-employment generating credit programmes run by the government and NGOs. During the last decade women's participation in the banking sector, various offices, NGOs and business concerns has also increased substantially.

1.2.6 Women in Development Plans:

Women are considered as a distinct target group by the national development plans. The empowerment of women has been emphasized in the latest plans.

Among the previous plans, the First Five Year Plan(1973-78) emphasized a welfare oriented approach and focused on the rehabilitation of war affected women and children. Population control was the most important area in which women were considered as beneficiaries. However, their productive role was not emphasized. The Two Year Plan(1978-80) was characterized by a move from welfare to development oriented efforts. Women's development was taken as a central focus. The Second Five Year Plan(1980-85) emphasized undertaking more dynamic and diversified programmes. The major objective was to create an atmosphere for making women's participation in development activities increasingly positive through expanding opportunities for specialized training, skill development, credit and entrepreneurship development programmes. The Third Five Year Plan(1985-90) built upon the previous plan activities. To achieve the overall integration of women in the development process the Plan had specific objectives to reduce imbalances between the development of men and women.

Within the time span considered by the present report, the Fourth Five Year Plan (FFYP 1990-95) (11) had as objectives the acceleration of economic growth; poverty alleviation and increasing self reliance. The strategies included integration of sector based planning with group based planning and mainstreaming of women to reduce gender disparities. Development policies with regard to women were placed within the context of a macro economic framework for a multi-sectoral thrust. The Plan emphasized the development of poor and disadvantaged women. Special attention was given to increased opportunities for income generation, access to institutional credit and organization building for participation in bottom-up planning. Women were considered as direct beneficiaries as well as change agents in the development process.

The Draft Participatory Perspective Plan (1995-2010) formulated in 1995, though not yet approved as a Plan document, provides a statement of policy. It sets the goal of eliminating all forms of discrimination against women by empowering women and men as equal partners working towards equality, development and peace. Women are to be integrated in the mainstream of development. The targets include the following: the eradication of persistent and increasing burden of poverty on women; equal access to education and training for human resource development; equal access to health care services, elimination of violence against women and girls; access to all forms of productive activities and resources; equal sharing in power and decision making; creation of strong mechanism to promote the advancement of women; promotion of women's human rights; equality in access to, and participation in, the media; equality in the family and society; involvement in environmental protection and conservation; participation as beneficiaries and agents in all sectors of development; participation in all national and international bodies and fora; provision of skill training and credit for self-employment; and survival, development and protection of the girl child.

The following are some of the specific targets :

* Increasing female literacy rate from 24 to 50 by the year 2000;

* Raising adult literacy rate to 62 per cent

* Increasing the enrolment of girls to 94 percent;

* Ensuring health for all women by the year 2000;

* Ensuring adequate nutrition for all women and girls;

* Increasing the share of women's employment from 8 to 30 percent by the year 2000 both in national and foreign service jobs (12).

National Policy on Women's Advancement: In March 1997 a Policy on Women's Advancement was declared by the Prime Minister which provides a comprehensive framework for women's development in the country (see Section 2.2).

Fifth Five Year Plan(1997-2002 under formulation): The write up prepared by the Ministry of Women and Children Affairs for the Fifth Five Year Plan outlines a set of comprehensive measures to implement the National Policy for Women's Advancement. The vision of the plan is to guarantee women equal access to opportunities for the realization of the goals of equality, environmentally and socially, sustainable development and people's participation (13).

The Goals and Objectives of WID during the Fifth Five Year Plan are to :

i. Promote equality between women and men in the sharing of power and decision making at all levels.

ii. Promote changes in attitudes, structures, policies, laws and practices in order to remove obstacles to achievement of human dignity and equality in society, including the family, the community and the State.

iii. Promote equal rights of women and men in all spheres of development, including access to information, skills, resources and opportunities.

iv. Enhance the participation of women in political, civil, economic, social and cultural life.

v. Promote economic self-reliance for women, and generate economic policies that have a positive impact on the employment and income of women workers in both the formal and informal sectors.

vi. Establish and transform state structures, and practices to enhance gender equality and improve the status of women.

vii. Establish appropriate institutional arrangements with necessary financial and human resources and authority at all levels to mainstream women's concerns in all aspects and sectors of development.

viii. Actively consider obstacles faced by members of disadvantaged groups in availing opportunities and services, in particular those suffered by women members of these communities, and take necessary steps to mitigate such barriers.

ix. Formulate and implement specific economic social, agricultural and related policies and programmes in support of poor female headed households.

x. Review existing discriminatory legislations and make recommendations for progressive elimination of such laws.

xi. Take necessary steps for implementation of CEDAW, the National Action Plan for Implementation of the Beijing Platform for Action and recommendations of the Institutional Review of GOBs WID Capability.

xii. Mainstream women's concerns in agriculture and rural development, industry and commerce, basic services e.g. health, education, drinking water supply and sanitation, and in the informal sector.

xiii. Ensure the visibility and recognition of women's work and contributions to the economy.

xiv. Reduce the gap in male-female labour force participation rates.

xv. Promote support services for working women, e.g. childcare and transport facilities, accommodation, etc.

xvi. Increase women's representation in governance and administration, including in all tiers of local government.

xvii. Reduce the gender gap in literacy rates and in access to educational opportunities, including to skill development and technical training.

xviii. Promote women's full access throughout the life cycle to health and related services under the goal "Health for All".

xix. Adopt appropriate measures towards the reduction of insecurity faced by women and girls and towards the elimination of all sorts of violence against women, and for the treatment and rehabilitation of victims of violence and violence survivors.

xx. Adopt appropriate measures towards the elimination of trafficking of women and girl children.

xxi. Ensure participation of women in national and international peace negotiations.

xxii. Recognize women's role and concerns in environmental and natural resource conservation and management.

xxiii. Promote the positive portrayal of women and girl children in mass media.

xxiv. Institutionalize a national monitoring mechanism to monitor progress in achievement of plan targets on WID.

The strategies as adopted for the attainment of the objectives are poverty alleviation, public expenditure to address the basic needs of women, support for education, health and legal protection.

The strategic means to implement these include building institutional structure from grassroots to national level, coordination between devleopment policies and activities of various organizations and cooperation between the government and NGOs.

1.3 General Legal Framework Within Which Legal Rights are Protected:

The Parliament and the Ministry of Law, Justice and Parliamentary Affairs are responsible for enacting legal provisions and upholding human rights. The judiciary is responsible for interpretation of laws and judgements and the law enforcing agencies such as the Police are responsible for enforcing the provisions. Individuals whose rights have been violated can seek redress from the judiciary within the context of existing laws. Special tribunals and courts such as labour courts, administrative tribunals, the Central Cell for the Prevention of Oppression Against Women and Children, respond to specific appeals that fall under their jurisdiction. Certain human rights are protected by the Constitution and these have been elaborated in section 2.1. Various provisions of the ILO Conventions have been integrated in the labour laws.

In the past various laws have been formulated or amended to ensure equality and protect women's rights. Among these the following may be mentioned:

a) The *Muslim Family Laws Ordinance of 1961* which regulates personal matters such as inheritance of property, marriage, divorce, guardianship and custody of children, etc. It sets the minimum age of marriage at 18 for women and 21 for men.

b) The *Dowry Prohibition Act of 1980 and its amendment in 1986* has made the custom of dowry an offence, punishable by fine and imprisonment.

c) The *Family Court Ordinance of 1985* has established family courts at the district and thana levels, to deal with cases relating to marriage and divorce, restitution of conjugal rights, recovery of dower, maintenance and custody of children. Provisions have been made for mediation and quick disposal of cases.

d) The *Child Marriage Restraint Act of 1929* provides for a legal age of marriage and punishment for anyone marrying before that age.

e) The *Muslim Marriage and Divorce Registration Act of 1974* provides for the documentation and registration of marriage contracts mentioning the amount of dower.

1.4 National Machineries:

The following national machineries are in existence to further women's advancement:

1.4.1 Ministry of Women and Children's Affairs:

The Women's Affairs Division which was created in 1976 and upgraded as the Ministry of Women's Affairs in 1978 to deal with the development concerns of women. Bangladesh is one of the few countries in the world having a full fledged Ministry to work for women's advancement. The role of the Ministry includes national policy formulation regarding women, implementation of special programmes for women's development, dealing with matters relating to women's legal and social rights, control and registration of women's voluntary organizations and dealing with international organizations in the field of women's development. The Ministry's role has been expanded to coordinate the WID aspect of different sectors. Recently the Ministry has been given added responsibility for the development and protection of children and their rights.

1.4.2 National Council For Women's Development (NCWD):

A 44 member National Council for Women's Development (NCWD) has been established consisting of Ministers and Secretaries from several line Ministries, public representatives and eminent individuals with the Prime Minister as Head of the Council.

The responsibilities of NCWD are as follows:

* To ensure women's participation in socio-economic development work, the Council will formulate rules and regulations for the development work of different Ministries, divisions and other agencies and coordinate them;

* The Council will formulate laws, and regulations to ensure women's legal rights and development and to prevent of oppression against women;

* The Council will also take measures to preserve women's interests in all areas in which women are active and ensure their participation and advancement.

1.4.3 WID Focal Points in Different Ministries:

Since the Fourth Five Year Plan, all the sectors and Ministries are responsible for incorporating women in development concerns into their development programmes in order to mainstream women's development. Women in Development (WID) Focal Points in 33 Ministries and agencies are responsible for overseeing the concerns of women in the programmes of their

respective Ministries. They are responsible for formulating sectoral plans keeping in mind gender concerns, preparing lists of priority projects for women for inclusion in the annual development plans; reviewing and modifying ongoing projects with a view to incorporating adequate gender concerns in the sectoral programmes/projects; ensuring gender sensitive reporting system; collaborating with other sectors and central agencies in order to achieve WID sectoral goals; and monitoring and reporting on their sectoral activities and constraints in achieving these goals.

1.4.4 Interministerial Coordination and Evaluation Committee:

The National Women's Advancement Policy envisages the establishment of an Interministerial Coordination and Evaluation Committee headed by the Minister for Women and Children's Affairs to monitor the progress of implementation of sectoral WID plans and programmes and submit quarterly progress reports to the NCWD. Various government and non-government women's development organizations and Ministries with WID Focal Points, will be members of this committee.

1.4.5 Department of Women's Affairs:

The Directorate of Women's Affairs was established in 1976 and was upgraded in 1990 to the Department of Women's Affairs. It functions as the implementing arm of the Ministry of Women and Children Affairs. It operates through its head quarter and field based offices in order to implement the activities and directives of the Ministry. Its activities include awareness raising on women's rights and equality, vocational and technical training in various areas, providing credit facilities and providing legal aid services to women.

1.4.6 Jatiya Mohila Shangstha (JMS):

Jatiya Mohila Shangstha (JMS) was created in 1976 as the apex national women's organization to further the social, economic, educational and cultural upliftment of women. It has undergone many changes with regard to its activities and character since its inception. It was declared an autonomous organization through an ordinance in 1991 and named as Jatiya Mohila Shangstha. It works under the Ministry of Women and Children Affairs. The main activities it has undertaken are skill development training in weaving, handicrafts, tailoring and motivation for family planning, tree plantation, sanitation and micro-credit operations in selected "Thanas" or Sub-Districts. The programmes are conducted using government granted funds. A unit computer training and a legal aid cell for women have been established.

1.5 Information and Publicity:

The Government is responsible for the dissemination of information on various human rights instruments and the legal provisions on human rights that have been ratified. Various NGOs and human rights groups also undertake specific programmes for raising awareness on this among the public.

Efforts in this area have been limited and inadequate so far. Some instruments such as The Convention on the Elimination of All Forms of Discrimination Against Women, Child Rights Convention and the Human Rights Convention have been translated into Bangla by the local UN Offices and NGOs for dissemination among the public.

1.6 Remaining Obstacles Encountered by Women:

The Government of Bangladesh ratified the Convention on the Elimination of All Forms of discriminations Against Women (CEDAW) excluding the Clauses 2, 13(a), 16 (1) (c) and (f) which relate to the personal rights of women such as succession of property, marriage and divorce, guardianship over children etc.

The constitution guarantees equality between men and women in the public sphere. Various discriminatory customs and practices persist, however, which are gradually being addressed and removed through appropriate measures. The present Government is committed to remove these discriminatory provisions. The Constitution allows for Personal Laws in the private sphere which are in some cases discriminatory against women. Unequal provisions in personal laws such as in the case of inheritance, guardianship of children, marriage and divorce contributes to their inferior social, economic political and legal status.

There are problems in implementing existing legal provisions due to women's, as well as men's. ignorance about their legal rights. The substance as well as application of laws puts women in a disadvantaged position with regard to men.

II. PROGRESS REPORT ON ARTICLES TWO TO SIXTEEN OF THE CONVENTION

2.1 Article 2: Obligations to Eliminate Discrimination.

State Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt progressive legislative and other measures, including sanctions where appropriate, prohibiting discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

2.1.1 Constitutional Provisions for Women:

The legal status of women in Bangladesh has been defined in the Constitution.

Article 27 States:

All citizens are equal before the law and are entitled to equal protection of the law.

Article 28 of the Constitution States:

1) The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.

2) Women shall have equal rights with men in all spheres of the State and of public life.

3) No citizen shall, on grounds only of religion, race, caste, sex or place of birth, be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.

4) Nothing in this Article shall prevent the State from making special provision in favour of women and children or for the advancement of any backward section of the population.

Article 26 of the Constitution States that:

1) All existing laws inconsistent with the fundamental rights shall, to the extent of inconsistency, become void on the commencement of this Constitution.

2) The State shall not make any law inconsistent with any provisions of this Part, and any law so made shall, to the extent of such inconsistency, become void.

As citizens, women also enjoy the following fundamental rights as provided by the Bangladesh Constitution:

* No discrimination against any citizen on grounds of religion, race, caste, sex or place of birth
* equality of opportunity in public employment
* right to protection of law
* protection of right to life and personal liberty
* prohibition of forced labour
* safeguards as to arrest and detention
* protection in respect of trial and punishment
* freedom of movement, assembly, association, thought and conscience, speech, profession, occupation and religion
* right to property
* protection of home and correspondence
* enforcement of fundamental rights through courts of law

2.1.2 Legislative and Other Measures Adopted to Eliminate Discrimination Against Women:

Though the Constitution guarantees equal rights for men and women in public life it does not extend this to the private sphere where the various personal laws based on religion are recognized. These are discriminatory with regard to various provisions such as marriage and divorce, inheritance, guardianship, etc. The Constitution also recognizes the unequal situation of women in so far as it recognizes the need to make special provisions for them as a specially disadvantaged category.

Bangladesh has ratified the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) with reservations and not accepted it as legally binding yet. Most national laws are already in conformity with the provisions of the Convention. Some

reforms/modifications have been made to protect the rights of women. However, the provisions of the Convention can be invoked before the court of law only if they are transformed into national laws or administrative regulations.

Certain legislative actions have been taken to protect the interests of women and reduce discrimination. Some of these are through the enactment of new laws and others through modifications of the existing laws and procedures. The legislative measures include reform of family laws, laws on equal pay and employment, protection and expanded political rights. The changes in the national legislation which have taken place during the last two decades have been the result of the ratification of various conventions and the mutually reinforcing developments in international and national laws. Some provisions of the Muslim Personal Laws have been modified but as yet no effective measures have been taken to reform the Hindu personal laws or laws of other minority groups as it was felt that such proposals would not be endorsed by the respective religious/ minority communities.

Within the reporting period a new law the *Women and Child Repression (Special Provision) Act of 1995* further increases the punishment for crimes against women. It has been enacted to prevent and punish cruelty to women and children in the form of abuse, injury, or death using corrosive, poisonous or combustive substance or for dowry. It makes provisions for the punishment of kidnapping or abduction of women or children to use them for prostitution or illegal cohabitation, etc. Special Courts have been instituted with Session Judges or Additional Session Judges in each district. It provides for completion of the investigation of such offense within 60 days of the receipt of the "First Information Report" (FIR) or order for investigation and not to grant bail to the accused during that period. There is also a provision for completion of the trial within 90 days of receipt of the case.

The Government has constituted a high powered committee headed by the Minister for Law, Justice and Parliamentary Affairs to examine existing laws and update them to address all forms of discrimination against women.

2.1.3 Major Obstacles to Implementation:

The protection that is accorded through the civil laws are outweighed by the inequalities reflected in many areas of personal laws governing the life of women. Women's socio-economic status differs from their legal status. The former often determines the latter. Although the Government is determined to take steps to eliminate discrimination against women through legal measures, women cannot even enjoy those rights provided by existing laws due to the lack of enforcement. The disparity between the rights women have by law and what they actually enjoy arises partly from the lack of knowledge of women and men about internationally and nationally recognized women's rights and the lack of commitment by the judiciary and law enforcement agencies.

Various procedures make it difficult for women to access and use the judicial system. For example the language used is esoteric, the procedures lengthy and therefore costly and the

agencies are often hostile or unsympathetic to women. The proof required to file a case of domestic violence or rape is an obstacle. The lack of birth registration makes the enforcement of the Child Marriage Act is difficult. The lack of a central database on marriage and divorce registrations, or any means of cross-checking such registrations, means that it is virtually impossible to prevent polygamy. Although the Muslim Family Law allows women to inherit, social customs and family pressure often prevent women from claiming their share. Women lack the financial resources required and lack access to lawyers and courts which restricts their recourse to the legal system. Laws on trafficking, for instance, are hard to apply as often members of the law enforcing agencies are themselves involved in the trafficking activities.

2.1.4 Reservation of Article 2:

The Government of Bangladesh placed reservation to Articles 13 (a) and 16 (1) (c) which were thought to be in contradiction with Shariah Law derived from the Holy Quran and Sunnah. By deduction the reservation an Article two was placed. All of the reservations are in the process of being reviewed.

The Ministry of Women and Children's Affairs constituted an interministerial committee in November 1996 to review the reservations made to the Convention and make recommendations. It has as members from the Ministries of Information, Law, Home Affairs and Women and Children's Affairs. It also has two women lawyers and activists as members. A report has been submitted in February 1997 for consideration to the highest authority.

As mentioned above, the Constitution of the country embodies the principle of equality between women and men and declares that constitutional principles shall take precedence over all other existing laws. The Constitution is the highest law of the land and any law inconsistent with the Constitution is automatically void (Articles 7(2) and 26). Thus all pre-Constitutional laws have to withstand the test of the Constitution's basic principles.

Bangladesh does not have any "Shariah Law" as such. Rather certain provisions are codified into legislation, such as the Muslim Family Law Ordinance and provisions of the Shariah are not immutable but subject to reinterpretation based on the needs of the time. In addition Muslims are not the only population in the country. There is a sizeable non-Muslim population to whom the Shariah is not applicable.

Bangladesh is committed to its international treaty obligations and the guarantees of equality between men and women and of non-discrimination against women contained in the UN Charter, the Universal Declaration of Human Rights and other international instruments.

Various women's organizations have arranged seminars and conferences to discuss the Convention and the justifications for the reservations made. Pre-Beijing a series of regional workshops as well as a national workshop were held by the NGO Preparatory Committee for the NGO Forum. Various training and seminars have also been organized by the CEDAW Forum which brings together various organizations and individuals seeking withdrawal of reservations

and full implementation of the Convention. It addition several women's organizations such as Bangladesh Mohila Parishad, Bangladesh Jatiya Mohila Ainjibi Samity, Naripokkho and USHA have been working in this area individually.

2.2. Article 3: The Development and Advancement of Women

State Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Legally women have the same access as men to the political process, social services, health and medical care, education, literacy, development programmes, employment, ownership of property and social welfare. In certain cases temporary special measures have been formulated to increase women's access to these services and programmes (see 2.3). The exercise and enjoyment of human rights and fundamental freedoms by women, on the basis of equality with men, is guaranteed under the Constitution and other relevant laws (see Section 2.1 above).

However, in fact, women do not have the same access as men to these rights and freedoms. The situation with regard to political life, education and health is described while discussing articles 7, 10 and 12 respectively. Various kinds of remedial measures have been taken up as a result of which the situation in many sectors is improving.

It needs to be stressed that developments or advancements in any one sector are closely related with developments or advancements in other sectors. For example developments in education are important for improvements in political participation or employment.

One of the major obstacles is women's unequal status in the personal sphere which means that the grounds for their participation in the public sphere are also unequal. Women's lower socio-economic status , lower literacy, lesser mobility are all practical obstacles to the exercise of their fundamental rights.

A phenomenon which has emerged recently illustrates the difficulties women have in exercising their rights because of cultural practices and misinterpretation of religion. It is that of extra-judicial procedures whereby village bodies try and punish women for various "offenses" invoking the Shariah and passing judgements or "fatwas". These have used the mechanism of the village "shalish" recognized by law only as a mediation body which requires the consent and presence of both parties to be effective and for its judgements to be recognized. Its mandate is restricted to certain specific items but does not extend to marriage, dissolution of marriage and other such issues covered by the laws of the land. However, there have been instances of these bodies being used to "try" and punish women using religious grounds, in cases of marital dispute, dissolution of marriage and adultery.

The Government has taken staunch measures against such extra-judicial practices, bringing those

responsible to justice.

Various measures have been taken to enhance the status of women with regard to political participation (see discussion under article 7) and participation in social, economic and cultural life (see discussion under article 11). Unfortunately, in the past these policies and measures were taken on behalf of women without their full participation. At present, however, their participation is being sought. For example many women activists and women's organizations are participating in the various debates and putting forward various proposals in the discussions on reserving a certain number of seats in the National Parliament for women.

A ***National Policy*** *on Women's Advancement* was approved by the National Council for Women's Development (NCWD) in February 1997 and declared by the Prime Minister on March 08, 1997. Its main objectives are as follows:

* Establish equality between men and women in all spheres;
* Eliminate all forms of discrimination against women and girls;
* Establish women's human rights;
* Develop women as human resource;
* Recognize women's contribution in social and economic spheres;
* Eliminate poverty among women;
* Establish equality between men and women in administration, politics, education, games, sports and all other socio-economic spheres;
* Eliminate all forms of oppression against women and girls;
* Ensure empowerment of women in the fields of politics, administration and the economy;
* Develop appropriate technology for women;
* Ensure adequate health and nutrition for women;
* Provide housing and shelter to women;
* Create positive images of women in the media;
* Take special measures for women in especially disadvantaged situations.

With regard to the monitoring of the implementation of the various policies, programmes and laws, the National Council for Women's Development and the Interministerial Coordination and Evaluation Committee (see Sections 1.4.2 and 1.4.4) provide institutional mechanisms through which reputed individuals and various women's organizations can participate.

2.3 Article 4: Temporary Special Measures:

1. Adoption by the State Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by State Parties of special measures, including those measures contained in the

present Convention, aimed at protecting maternity shall not be considered discriminatory.

2.3.1 Policies:

Article 28 of the Constitution states that the State may make special provisions for women and children, recognizing that they are specially disadvantaged. Official policy also aims to accelerate attainment of de facto equality of women and men. The Fourth Five Year Plan (1990-95) integrated women's development into a macro-framework in order to formulate a multi-sectoral thrust to bring women into the mainstream of development.

The Draft Perspective Plan formulated for the period 1995 to 2005 also put special emphasis on women's development (see 1.2.6 above).

2.3.2 National Machinery:

Separate national machinery for the advancement of women has been set up. The Ministry of Women's Affairs was established in 1978 and the Department of Women's Affairs was established in 1984. WID Focal Points have been identified in 33 Ministries and agencies as a means of inter-ministerial coordination on women's issues to ensure the mainstreaming of women's concerns into all sectoral projects, programmes and policy statements. The mechanism is being coordinated by the Ministry of Women and Children's Affairs. A National Council for Women's Development was established in 1995 with the Prime Minister as the chair, to act as the highest policy making body and monitor and oversee women related activities in the various sectors. (See 1.4). Its first meeting was held on February 18, 1997 to discuss and approve the National Policy for Women's Advancement. An Interministerial Coordination and Evaluation Committee headed by the Minister for Women and Children's Affairs has been set-up to monitor the progress of implementation of sectoral WID plans and programmes.

2.3.3 Political Representation:

In order to ensure women's representation in the Parliament a special provision has been made for 30 seats for women in addition to the 300 seats of the Parliament as provided by the Constitution. This special provision is valid up to 1999. Women are to be elected to those thirty seats by the other directly elected Members of Parliament. Women are also eligible to contest through direct elections for the other unreserved seats. Such provisions have also been made in local government bodies. The Municipal Corporation have provisions for three women Ward Commissioners out of a total of twelve members. The four city corporations have 38 women members. The women members are to be nominated and selected by the elected members. The Union Parishad or Council, the lowest administrative unit also has a provision for three women members out of a total membership of 12. Here too, the women members are nominated and elected by the other directly elected members.

The impact of these measures has yet to be felt in terms of increased representation of women in the directly elected seats (see Section 2.6).

2.3.4 Decade of the Girl Child:

In recognition of the discrimination faced by women throughout their life-cycle and beginning as girls, the South Asian Association for Regional Cooperation (SAARC) has declared the 1990s as the Decade of the Girl Child in the Male Summit in 1990. Each country formulated Decade Plans for the advancement of girls. The Bangladesh Decade Plan, "Samata" (Equality) was prepared by multiple partners dealing with children's issues and is both a set of programme objectives and an advocacy tool for improving the status of the girl child. It has the following major goals:

* Reduction of Infant Mortality Rate to 50 per 1000 live births by the year 2000 while eliminating gender disparity in rates.

* Reduction of Under-5 mortality rate to 70 per 1000 live births by the year 2000 while eliminating gender disparity in rates.

* Education of Maternal Mortality rate to 3.5 per 1000 live births by the year 2000 while raising female age at marriage to 18, delaying first pregnancy to 20 and increasing CPR to 50 by the year 2000.

* Reduction of severe and moderate malnutrition by half between 1990 and 2000.

* Increasing access to safe water for drinking and other purposes from 80 percent in 1990 to universal coverage by 1995 and maintaining the level.

* Increasing the availability of, and access to, sanitary latrines from 6 percent in 1990 to 35 percent in 1995 and 80 percent in 2000.

* Increasing access to, and enrolment in, primary education, to 95 percent by 2000, covering not less than 75 percent of girls by 1995 and 90 percent by 2000. Increasing the primary school completion rate for girls to atleast 65 percent by 2000. Efforts will be made to reach the global goal of 80 percent completion rate by 2000.

* Progressive and rapid increase in social support services and legal measures to prevent and protect girls from being exploited or abused, with special focus on children in especially difficult circumstances. Accelerated efforts will be made to reduce and steadily eliminate child labour in accordance with the Colombo Resolution on Children (SAARC, 1992).

[Source: Samata, Bangladesh Decade Action Plan for the SAARC Decade of the Girl Child (14)]

2.3.5 Special Programmes:

There are a number of special women targeted projects in each sector: health, education, agriculture, etc. Various measures have been taken in education to increase the enrolment and retention of girls (see discussion under Section 2.9). Their impact is gradually being felt in increasing enrolment and retention rates in primary schools. The special health risks of women related to child birth have been recognized and special intensive and coordinated programmes are being undertaken to reduce maternal and infant mortality rates. Here, too, the impacts are gradually being felt (see Section 2.11).

Even among the relief and rehabilitation programmes, recognizing the special vulnerability of women to poverty, three of the programmes are specifically targeted toward women: the Vulnerable Group Development Programme with 399,091 beneficiaries delivers a monthly ration of 31.25 kilograms of wheat per person to especially vulnerable and destitute women (women of female headed households who are lactating or with children); the Rural Maintenance Programme, a monetized food aid programme, which employs poor women for the maintenance of rural roads, and the Post Monsoon Rehabilitation Programme (see Section 2.14).

2.3.6 Maternity Leave and Day-care:

In the formal sector maternity leave is allowed for three months twice in the working life of a woman. In the private and non formal sector this has not yet been ensured although most ILO conventions in this respect have been ratified. Labour laws provide for maternity leave and also for child care facilities where more than fifty women are employed. Women are exempted from night work in factories under the labour law. In reality very few women enjoy these benefits (see Section 2.10).

Pilot programmes by certain NGOs have been started to establish day-care centres for women garment workers in the factories in collaboration with the employers. Another new and innovative programme is to set up schools for the child workers who have been removed from the garment factories. This programme is being carried out with the garment manufacturers, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), the Government, ILO and UNICEF in collaboration with NGOs.

2.3.7 Public Sector Employment:

A quota system has been instituted for recruitment to Government service which is 10 percent for officers and 15 percent for other categories. In education, in order to increase the proportion of women primary school teachers 60 percent of all new recruits are supposed to be women. However, these quotas are not being fulfilled with the result that only 7 percent of Government

employees are women at the officer level and 9 percent at other levels. New recruitment being limited, the impact of recruitment quotas in eliminating the gender gap in total employment is also limited.

Very recently the Government has taken a decision to undertake a special programme for the appointment of women to senior administrative/management posts of Deputy Secretary and Joint Secretary.

In addition positive discrimination is made for women government servants while allocating staff housing (see Section 2.12).

Though various special measures are in place, enforcement measures could not be ensured in all areas and the Government is committed to develop mechanisms for monitoring of the impact and progress achieved.

2.4. Article 5: Sex Roles and Stereotyping

State parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority of the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of children is the primordial consideration in all cases.

Despite efforts to achieve legal and de facto equality, true advancement toward equality requires fundamental social and cultural change. Social and cultural patterns that lead to discrimination and stereotyped roles for women need to be changed. Interpersonal relationships between men and women and practices based on ideas of superiority and inferiority of one sex in relation to another and sex-stereotyping need to be addressed. To this end the recognition of family life as a vital area, maternity as a social function and the need for shared responsibility of men and women in the upbringing of children, needs to be stressed.

Social expectations of the roles to be played by women are still very traditional, giving importance to child rearing and household management. The practice of seclusion ('purdah') although changing because of many practical reasons, is still socially valued. The increasing practice of dowry which is a recent phenomena is one of the worst forms of discrimination against women. It is not condoned by Islam but is a social custom. Personal laws based on religion also reinforce women's inferior status in terms of inheritance, custody and guardianship of children under the purview of the Muslim Family Law.

The definitions of women's work makes them invisible in national statistics. Their employment

rates are shown as 50.6 (15). It is only with revised definitions of agricultural work which have taken into consideration the tasks performed by women that the recent Labour Force Survey has shown an increased percentage of women active in agriculture. Women are generally not recognized as farmers. It has been one of the demands of some women's organizations to accord them this status. The increased incidence of poverty, rising economic aspirations and increasing urbanization are phenomena contributing to the breaking of traditional values and changing social structures, forcing women to come out of seclusion. This has helped reduce the prejudices against women's working outside the home.

The social stereotypes of the roles expected of men and women are naturally reflected in the media and in the educational curriculum. Apart from the Film Censor Board there are no mechanisms to control the images of women shown in the media. In view of the fundamental right of freedom of expression, the issue of external control over the media is a debatable one. In the age of globalization and the importance of international media such as cable networks and satellite television, the effectiveness of controls by any one country is limited. It is therefore necessary to sensitize media workers of the implications of their work and encourage the development of self-regulatory mechanisms by which the media would itself formulate a code of ethics which would include issues such as the portrayal of women, women in advertising and reporting on cases of violence against women.

Various government agencies and NGOs are using the national media to produce and broadcast promotional materials for the general public and women about health, nutrition, sanitation, education, sending children to school, homestead gardening, etc. However, sometimes these very messages reinforce certain other stereotypes of women's roles. For instance mothers' responsibility in feeding and educating children and women's role in agriculture as confined to vegetable gardening.

The realization that educational curricula contribute to sex stereotyping has gradually gained acceptance. Various measures have been taken to revise the educational curricula. Girls and boys are now given the option of taking up Home Economics or Agricultural Studies in Secondary Schools, whereas before Home Economics was for girls and Agricultural Studies for boys. The process of removing sex stereotyping the curricula is not yet complete but will need to continue as an on-going process. As a complementary measure, teachers will need to be sensitized on these issues.

As part of the mobilization and awareness raising programmes on the issues of the Girl Child a special communications initiative, "Meena" has been launched. It focuses on the positive life process of a South Asian girl. Meena, an animation series, is screened on TV, cinema halls and by mobile film units of the Mass Communications Department. The objective is to spread positive messages and help enhance the social worth of the girl child all over the country.

Various government training institutions such as the Academy for Planning and Development, Public Administration Training Centre and various NGOs have included gender and WID concerns in their training programmes. Gender training is in the process of becoming

institutionalized. This will be an important means of changing attitudes toward women within the Government and thereby changing the approach of various policies, programmes and projects.

Mobilization against violence against women and against the practice of giving and receiving dowry is gaining momentum. The various legal measures taken do not always result in increased punishments or convictions but they contribute towards raising awareness that such violence is against women's human rights and a criminal offense. The Women and Child Repression (Special Provision) Act of 1995 is one such law.

The Ministry of Home has set up four women's investigation cells in four police stations, staffed by women police officers. These cells have been set up to facilitate women's access to the Police. They receive complaints and carry out investigations. Based on a review of the performance of these cells the decision whether to expand their number will be taken.

The Department of Women's Affairs has established a Cell Against Violence Against Women. It provides legal counselling and assistance to both civil and criminal cases related to violence against women. In 1996 it death with 83 cases of acid throwing; 1415 cases of rape; 1664 cases of physical assault; 138 cases of trafficking; 85 cases of procurement of women for illicit reasons; 594 cases of dowry; 115 cases of maintenance. 1539 cases of suicide, a total of 5933 cases in all. In 1995/96 the Dhaka unit received 1176 cases. It carried out 550 cases of restoration of family relations, 363 cases of procuration of maintenance and dower money of an amount of 688,280 Takas. Legal counselling was provided in 185 cases. Twenty-nine cases were filed in court. Ninety-one cases were sent to other agencies.

In the districts and thanas which have officers of the Department of Women's Affairs, committees against violence against women have been set up. They are chaired by the administrative head of the district or thana (Deputy Commissioner or Thana Nirbahi Officer) and the Women's Affairs Officer is the Member Secretary. Various cases and complaints are sent to these committees. Thana level committees help in mediation, provide counselling and, if necessary, assist with legal proceedings.

The Ministry of Women and Children's Affairs is preparing an integrated project addressing violence against women. Its objectives include the following:

* To improve the quality of services and the effectiveness of investigative, enforcement, judicial medico-legal, health, custodial and other administrative agencies responsible for dealing with various aspects of crimes and violence against women.

* To provide women better access to the criminal and legal justice systems of the country, with particular emphasis on the access of poor women.

* To create general awareness of the issues of crimes and violence against women through public education campaigns.

The Government has become increasingly more conscious of various violence related issues such as custodial rape, rape by members of law enforcement agencies and violence at community level by extra-judicial means through misinterpretation of religion and misuse of local arbitration bodies. Several such cases were taken up by various women's organizations and human rights groups, around which they organized rallies, processions and press conferences to mobilize public opinion. In some cases the Government has formed enquiry committees. In other cases the issues and incidents have also come up for Parliamentary debate.

2.5 Article 6: Suppression of the Exploitation of Women.

State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

2.5.1 Trafficking:

Although the phenomenon of trafficking is not a new one its scope seems to be increasing. Women are experiencing dramatic changes in their life due to increasing landlessness and poverty. Their vulnerability often makes them fall prey to exploitation and become victims of trafficking and prostitution.

A non-government source reports that about 200,000 women and children have been trafficked to the Middle East in the last 20 years. Different human rights activists and agencies estimate 200-400 young women and children are smuggled out every month, most of them from Bangladesh to Pakistan. Another women lawyers' association estimates that on an average, 4500 women and children from Bangladesh are being trafficked to Pakistan each year and atleast 200,000 women have been trafficked to Pakistan over the last 10 years. It is estimated by the Indian Social Welfare Board that there are 500,000 foreign prostitutes in India of whom about 1 percent are from Bangladesh and 2.7% of prostitutes in Calcutta are from Bangladesh.

Trafficking is carried out by regional gangs who are well organized and who have links with the various law enforcing agencies, which is why only a very small percentage of the traffickers are caught or the victims recovered.

The Government is aware of the problem of trafficking and has taken up measures to prevent it. One such measure is the strengthening of border posts. However, the sheer length of Bangladesh's border with India and Burma makes it impossible to prevent people crossing the borders. Another measure is the strengthening of legislation and increasing punishments for trafficking.

Legal Measures:

The *Penal Code of 1860* contains provisions for kidnapping, which in general covers trafficking

also. Inspite of there being provisions in the Penal Code, these were not being effective in stopping trafficking because of various implementation problems. In 1983 a new Ordinance, the *Cruelty to Women (Deterrent Punishment) Ordinance* was promulgated. It replaced the relevant sections of the Penal Code. This law increased the punishment to life imprisonment and death penalty for kidnapping or abducting women, trafficking of women and children, attempt to cause death, acid throwing, rape etc.

The *Anti-terrorism Ordinance, 1992* provided for punishment of all types of terrorism including harassing women and abducting children and women. This Ordinance was repealed in 1994 due to various problems.

The *Suppression of Immoral Trafficking Act, 1933* provides for punishment for forcing a girl into prostitution. Abetment by having custody or charge of the girls is also a crime. Section 11 of the Act prohibits the detention of any female child under the age of 18 against her will in any house, room or places in which prostitution is carried out. The section provides a penalty of maximum three years of imprisonment or fine or both.

In 1995 another law, the *Woman and Child Repression (Special Provisions) Act 1995* was enacted. It provides for capital punishment to offenders. It debars the granting of bail to persons accused of heinous offenses against women and children. The penalty imposed in section 8 of this act for trafficking and associated offenses is life imprisonment and fine. Section 9 stipulates a penalty of 10 years with a minimum of 7 years imprisonment for abduction to commit immoral act on women and children.

This Act provides for the setting up of separate courts to try cases coming under it, one in each district. So far ten such courts have been established. It is proposed to review their performance and effectiveness before setting up the courts in other districts.

However, although laws against trafficking exist, their implementation remains weak. Although the new laws have increased penalties their application has certain technical problems which are in the process of being identified. There is scope for misapplication and harassment of innocent persons. The law enforcing authorities and the judiciary need to be better sensitized about the issues involved. There is a need for stronger action against members of law enforcing authorities who are themselves involved in trafficking. Regional cooperation is essential to coordinate legal and administrative measures and procedures. Information needs to be shared and extradition of offenders allowed. Victims are sometimes charged with prostitution or immoral behaviour and put in jail. The repatriation of Bangladeshi women trafficked abroad needs to be facilitated.

Programmes:

Presently measures for the rehabilitation of repatriated victims are limited. Necessary shelters and homes are inadequate within the Government or with NGOs. Programmes are being designed in collaboration with NGOs for the necessary social rehabilitation and reintegration of victims.

There are discussions going on presently about the Ministry of Women and Children's Affairs undertaking a project to address the issue of trafficking. The following activities are envisaged:

* Situation analysis:
  - preparation of a comprehensive report on child trafficking
  - developing a data base on child trafficking

* Awareness raising for prevention of child trafficking:
  - materials and techniques designed, developed and disseminated
  - child trafficking issues incorporated into educational curricula
  - networking with NGOs

* Capacity building of law enforcement agencies.

* Rescue, repatriation, rehabilitation and reintegration:
  - effective rescue system developed
  - child friendly repatriation process established
  - comprehensive rehabilitation and repatriation programmes established

The programme is to be multi-sectoral involving various ministries. An inter-ministerial steering committee will be formed headed by the Minister of the Ministry of Women's Affairs with NGO representation. District level coordination committees will be set-up.

NGO Mobilization:

At a recently held workshop on child trafficking organized by the Bangladesh Shishu Adhikar Forum in December, 1996 a South-East Asian and a National Action Plan were prepared for NGOs active in the area of trafficking. It was decided to undertake networking and training on databases/information and experience sharing by a Core Group with representatives from Nepal, Pakistan, India and Bangladesh. The first meeting of the regional Core Group will take place in March 1997 and training is to be arranged between August and December, 1997. The Bangladesh National Plan focuses on legal protection through implementation of existing laws; awareness raising on trafficking; awareness raising and training on laws related to trafficking. It is proposed that law enforcing agencies in collaboration with NGOs mobilize the community through local government bodies, educational institutions, religious institutions and at the national level through the media.

2.5.2 Prostitution:

Although in most cases trafficking is for prostitution or leads to prostitution, prostitution within the country needs to be discussed separately. There are no statistics on the numbers of prostitutes. The Bangladesh Bureau of Statistics enumerates them as "destitutes" and does not recognize prostitution as an occupation. The Constitution states that "the State shall adopt

effective measures to prevent prostitution and gambling" [Part II, Fundamental Principles of State Policy, Section 18 (2)]. There are laws against forcing anyone into prostitution or into "immoral acts" (Penal Code 72, 73, 74). Soliciting is also against the law (Criminal Procedure Code). However there are no laws against a person of 18 or above engaging in sexual activity in exchange for money. It is sufficient for a prostitute to have an affidavit delivered by a magistrate stating that she is above 18 for her not to be arrested by the Police. That does not preclude harassment and being asked for bribes.

Prostitution is therefore technically neither legal nor illegal but exists in a gap in the law, as in many countries. Therefore prostitutes do not have any legal protection, nor can the State take any legal measures against them. As citizens they can demand the same fundamental rights from the State, such as the right to protection and security, the right to shelter and to basic amenities.

While laws relating to violence against women, including rape, apply equally to prostitutes, in practice they are discriminated against as they will be classified as "habituated' to sexual intercourse and proof will be considered to be harder to give/accept. Prostitutes are often subjected to harassment and violence from the Police who are theoretically supposed to protect their rights.

There is need for greater public awareness about forced prostitution, among the general public and in particular among the law enforcing agencies and the judiciary. Unless they are treated as full human being with the same rights and privileges as others, it will not be possible to provide them with any protection or ensure fulfillment of their rights.

Provisions for shelter and rehabilitation are very inadequate. The few homes run by the Government are overcrowded and do not have the necessary facilities and staff to provide adequate rehabilitation in terms of either psychological counselling or even vocational training for suitable re-employment. Marriage has been seen as the only means of rehabilitation. However, various reports tend to show that these marriages are, in some cases, the means for forcing the girls or women back into prostitution. NGO-run shelters are also very inadequate in terms of numbers and facilities.

2.6 Article 7: Elimination of Discrimination Against Women in Political and Public Life:

State Parties shall take all appropriate measures to eliminate discrimination in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-government organizations and associations concerned with the public and political life of the country.

2.6.1 Rights to Political Participation:

The Constitution of Bangladesh provides equal opportunities for women to participate in politics and public life and it is in the unique situation of having women in the posts of both Prime Minister and Leader of the Opposition. Furthermore Bangladesh is in the even more unique position in having two women Prime Ministers succeeding each other. Women as voters are gaining in visibility and political strength. The turnout of women in the 1996 Parliamentary Elections was phenomenal.

2.6.2 Parliament:

There are 30 reserved seats for women in the Parliament to ensure their participation in politics in addition to the 300 elected seats. Although women are equally eligible to contest the elected seats, very few women have been elected to the Parliament through direct electoral process. However, women's participation is gradually increasing. While only 5 parties put up 15 candidates in 1986, in 1991 16 parties put up 40 candidates. In 1996, 36 women candidates were nominated. From these 5 women won 11 seats. In the by-elections held on 5 September 1996, two more women were elected, bringing the number of directly elected women to seven.

Table 2: Situation of Women in Direct Elections

Year	Percentage of women candidates	Number of women directed elected	Number of women elected in by-elections
1973	0.3	0	0
1979	0.9	0	2
1986	1.3	5	1
1988	0.7	4	0
1991	1.5	8	1
1996	1.36	5	2

Source: Women for Women, 1996. (16)

In the present Cabinet four of the twenty-four ministers are women (including the Prime Minister). They have been given the posts of Agriculture/Water Resources/Relief , Environment and Forestry and State Minister for Education. Table 3 shows a comparative picture of women's representation at ministerial level.

Table 3: Women's Participation at Ministerial Levels (1972-1990)

Period	Full Minister				Deputy Minister				Total			
	Men		Women		Men		Women		Men		Women	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1972-75	33	100	0	0	17	89	2	11	50	96	2	4
1975-82	63	97	2	3	38	90	4	10	101	94	6	6
1982-90	85	97	3	3	48	98	1	2	133	97	4	3
1991-96	20	95	1	5	16	89	2	11	36	92	3	8
1996-97	14	82	3	18	9	90	1	10	23	85	4	15

Source: BBS (17)

2.6.3 Local Government:

Women's participation in local government is another arena of political participation. Women have reserved seats in all municipal and local government bodies. Rural Local Government is a two-tier system with Union Parishads (Councils) and Zila Parishads (District Councils). There are 4,434 Union Parishads and 64 Zila Parishads. Local Bodies in the urban areas include 4 city corporations and 119 Municipalities. Three seats are reserved for women in all of these. Formerly women were nominated to these seats. Since 1992 they are selected on the basis of indirect election by the other directly elected members. In the Union Council elections women have started to contest the elected seats with increasing success. In the 1988 elections 79 women contested the elections in 4401 Unions and 1 was elected Chairperson. In 1992, 115 contested the elections in 4,443 Unions and 15 were elected Chairpersons. The next Union Parishad elections are due in 1997.

In the 1994 City Corporation election 17 women contested but none won. In 1996 two women were elected directly. The next municipal elections are due in 1998 and City Corporation elections are due in 1999.

Despite some improvements women's participation in the political process remains very marginal. The reasons for this are varied and include lack of appropriate and adequate

organizational arrangements within political parties for women's participation, low participation of women in the political parties, low women's participation in the decision making bodies of the political parties, lack of political discourse on women's issues within political parties, lack of political training for women, the constraints of the present political culture which include the use of muscle men, violence, "black money", etc.

However, the reservation of seats for women in elected bodies is having a positive impact in that it is ensuring a minimum of women's representation and it is enabling women to learn about the workings of the different bodies and the political process.

Women as voters are also increasingly exercising their rights and becoming more aware of the implications and dimensions of the political process. Observations have shown that women's participation as voters has also increased although precise figures are not available. The June 1996 Parliament elections saw a phenomenal turnout of women.

2.6.4 Women in Public Service:

The Government has also taken special measures to ensure the presence of women in the Government, for the formulation of public policy and the implementation thereof and to hold public office and perform public functions at all levels of Government. Since 1982 women have been regularly appearing at public service examinations and are being recruited into the regular cadre services. In order to increase the number of women in the administration a quota system was introduced for women, which is applicable for all types of public appointment. Under this arrangement 10 percent of recruitment to gazetted posts and 15 percent of recruitment to non-gazetted posts are reserved for women. There is also a provision for reserving 60 percent of recruitment of primary school teachers for women. In addition a special initiative has recently been taken to appoint women to senior levels i.e. Deputy Secretary and Joint Secretary posts.

In one of the recent recruitments to the Bangladesh Civil Service (15th examinations, 1993/94) out of a total of 1144 available posts 858 were filled. According to the application of the reserved quota for women 114 posts were reserved for them of which only 67 were filled. In addition 70 women out of a total of 417 were recruited through the merit quota and 26 women out of a total of 368 were recruited through the district quota. In all 163 women i.e. 19 percent of total recruitment were recruited through various quotas.

In a recent recruitment to the Education Cadre (16th examinations, 1993/94) out of a total of 1373 posts available 1348 were filled of which 407 (30 percent) were women. Out of 137 posts reserved for women under the "women's quota" 112 were filled. The rest of the women were recruited under the merit quota (166/618) and the district quotas (129/617) (18).

Recent experience shows that although women's reserved quotas are not being fulfilled the percentage of women actually recruited is higher 19 percent and 30 percent as mentioned above. At present women constitute 7 percent of gazetted officers and 7.4 percent of other posts. The impact of the quotas are, however, negligible as very few new posts are available. There is very

little impact at senior levels.

The worst performers in terms of fulfillment of the women's quota have been the public sector corporations where only 5 percent of staff are women. One reason for the poor performance of the autonomous bodies may be that a large number of public sector corporations have mills and factories under their authority where the number of women is very low.

Table 4: Women and Men in Public Sector/Government Service in Various Service Categories

Service category	1988			1991			1993		
	Women	Men	Women as % of Total	Women	Men	Women as % of Total	Women	Men	Women as % of Total
Class I	5740	67195	8	49988	70889	7	5628	75314	7
Class II	2166	34335	6	2428	33845	7	2644	35422	7
Class III	48209	538246	8	54805	459384	11	62079	53604	10
Class IV	10999	212476	5	12499	308269	4	12820	242890	5
All categories	67114	852253	7	74720	872387	8	83171	889666	9

Source: BBS, 1996 (19)

Table 5 : Number of Civil Officers and Staff in the Secretariat, Departments and Autonomous Bodies and Number of Female Employees by Category (as of 1 January 1993)

Service Category	Ministry		Department/ Directorate		Autonomous Bodies/Corporations		Total	
	Total Staff	No. Women	Total Staff	No. Women	Total Staff	No. Women	Total Staff	No. Women
Class I	2000	201	35255	3446	43687	1981	80942	5628
Class II	70	11	13515	1233	24481	1400	38066	2644
Class III	4187	358	458433	54890	135499	6831	598119	62079
Class IV	2354	209	149202	9333	104154	3276	255710	12820
Grand Total	8611	779	656405	68902	307821	13490	972837	83171

Source: BBS, 1996 (20)

At higher levels of the administration the rate of female participation is very low. Out of 80 Additional Secretaries there are two women. Out of 247 Joint Secretaries there are only 2 women and out of 474 Deputy Secretaries there are only 7 women. The Government is currently taking steps to increase these numbers.

From 1976 the Government has begun to recruit women into the Police Force. At present there are only 5 Additional Superintendents of Police who are women and four women Assistant Superintendents of Police. For some time recruitment of women to the Police Force has been stopped but a proposal has been submitted for approval revising the recruitment procedures to permit/facilitate the recruitment of women. Women's presence in the judiciary, though still minimal, is increasing. In 1994 there were 192 women magistrates, 40 women in the Judge Courts and 2 women in the Tribunals.

2.6.5 Women's Participation in Non-government Organizations:

Another arena of women's participation in public life is through non-government organizations. There are at present more than 1200 women's organizations registered with the Department of Women's Affairs. These provide a means of women's participation in public life. Various organizations are consulted by the Government for policy making or involved in collaborative programmes through the BJMS and the field offices of the Department of Women's Affairs.

There is a strong and active women's movement from grassroots to national level which is playing an active role in demanding legal and policy reforms, in mobilizing women to avail of services and facilities available and in changing cultural and social stereotypes about women.

2.7 Article 8: Equal Opportunity for International Representation and Participation.

State Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international levels and to participate in the work of international organizations.

Although women have the right to represent the Government internationally, in reality women's representation has been virtually nil. The need for the representation of women in national and international arenas is recognized. There are only 14 women in the diplomatic service and there has been only one woman ambassador in 1980 and one at present. Various delegations have included women. There are also a number of women serving in various international and UN organizations abroad. However no statistics can be provided.

Of note is that the present Chair of the CEDAW Committee is a Bangladeshi woman and there is a Bangladeshi Resident Representative in the United Nations Development Programme.

2.8. Article 9: Equal Rights with Regard to Nationality.

1. State Parties shall grant women equal rights with women to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien or change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. State Parties shall grant women equal rights with men with respect to the nationality of their children.

Nationality in Bangladesh is determined by birth. Although no reservation has been made to this article of the Convention the Bangladeshi Citizenship Act is discriminatory. Women have equal rights with men to acquire, change or retain their nationality. They can obtain passports without the signatures of their husbands or fathers. However they do not have equal rights with respect to the nationality of their children. According to Citizenship Act of 1951, citizenship can be transmitted from the father to his children but not from the mother. Also a woman's husband cannot be entitled to citizenship through her. The spouse of a Bangladeshi man may receive citizenship but the contrary is not true.

Measures are being taken by Government to ensure equality between men and women with regard to citizenship rights. In fact the laws in this area are part of the colonial legacy and have not recently been reviewed or revised.

2.9 Article 10: Equal Rights in the Field of Education.

State parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the fields of education and in particular to ensure on a basis of equality of men and women.

a) The same conditions for career and vocational guidance for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-schools, general, professional and higher technical education, as well as in all types of vocational training;

b) Access to the same curricula; the same examinations; teaching staff with qualifications of the same standard and school premises and equipments of same quality;

c) The elimination of any stereotyped roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

d) The same opportunities to benefit from scholarships and other study grants;

e) The same opportunities for access to programmes of continuing education , including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

f) The reduction of female dropout rates and the organization of programmes for girls and women who have left school prematurely;

g) The same opportunities to participate actively in sports and physical education

h) Access to specific educational information to help ensure health and well-being of families, including information and advice on family planning.

2.9.1 Overview:

Statistics show that tne situation of women regarding education is improving gradually. Female literacy rate rose from 14.8 in 1974 to 25.5 as shown in the latest census of 1991. Enrolment rate for girls at primary level reached 82 percent in 1995 with 60 percent completion rates which is same as for boys, although dropout rate at subsequent levels are higher.

Table 6: Enrolment by Sex and Percentage of Female Teachers (1990-95) in Mainstream Primary Education.

Year	Enrolment (100,000)		Female Teachers (%)
	Male	Female	
1990	66.62	53.88	17.80
1991	69.10	57.25	17.33
1992	70.48	59.48	17.59
1993	75.25	65.41	19.38
1994	80.48	71.32	18.24
1995	82.00	82.00	18.79

Source: BANBEIS, 1994 (21)

Women's representation at higher secondary level has reached 28 percent of all students in 1990 from 10 percent in 1972 (BBS). Enrolment in secondary level has increased from 33.8 percent in 1990 to 45.7 percent in 1995 (BANBEIS).

Table 7: Enrolment in Secondary Schools by Sex and Management, 1990-94

Year	Government		Non-Government		Total	
	Total	Girls (%)	Total	Girls (%)	Total	Girls (%)
1990	194835	44.69	253515	32.97	2748350	33.81
1991	198805	44.72	2744668	33.01	2943473	33.80
1992	210673	43.04	3252563	42.65	3463236	42.67
1993	214915	43.89	3594600	44.11	3809515	44.10
1994	217715	47.73	3742744	45.56	39600459	45.68

Source: BANBEIS 1994 (22)

The increase in women's enrolment in the tertiary level has been steady but increases in degree colleges and medical colleges are more significant. Enrolment rate at university level is also increasing. More women are joining in all fields of higher education including technical fields like engineering and agriculture. Comparative figures over time on completion of various degrees by women is not available.

Table 8: Basic Statistics on Higher Education and Universities 1990-94

INSTITUTION	No. of Institutions		No. of Teachers		No. of Students	
	Total	Female	Total	Female	Total	Female
Degree College 1990	481	53	12783	1988	680608	159739
1994	611	79	20262	16673	962393	302531
Medical Colleges 1990	10	-	728	156	7983	2341
1994	18	-	1206	256	9247	3285
Dental College 1990	01	-	41	16	334	135
1994	01	-	49	13	330	128
Bangladesh Institute of 1990	04	-	223	06	2986	71
Technology (BIT) 1994	04	-	226	08	3105	139
Agricultural College 1990	03	-	132	10	900	66
1994	03	-	128	12	1125	97
Law Colleges 1990*	37	-	545	33	12110	1560
1994	21	-	310	30	10537	1791
Homeopathic College 1990*	37	-	545	33	12110	1560
1994	21	-	310	30	10537	1791
UNIVERSITIES						
General Universities 1990	05	-	2589	433	55995	14500
1994	10	-	3165	530	62651	14761
Agricultural University 1990	01	-	352	08	4092	281
1994	01	-	393	12	4912	590
Engineering University 1990	01	-	305	19	3813	301
1994	01	-	458	38	4994	579

Source: BANBEIS, 1994 (23)

2.9.2 Policies:

The Constitution of Bangladesh provides for the Government to adopt effective measures to establish a uniform, mass oriented and universal system of education and to extend free and compulsory education to all children.

Universalization of primary education and eradication of illiteracy are priorities for the Government.. To ensure education for all and eradicate illiteracy a division called Primary and Mass Education Division was created in 1992 and placed under the Prime Minister. Primary education has been made compulsory by the Primary Education Compulsory Act of 1990.

Considering the high level of illiteracy, the Fourth Five Year Plan incorporated the objectives of universal primary education and non formal primary education to reduce mass illiteracy. The allocation for education sector expenditure was increased in the Plan. The whole country was to be covered in a phased manner by the year 2000 under the universal primary education programme.

The *National Plan of Action on Education* (1991-2000) sets the following targets:

* raising the gross enrolment rate at the primary level from 76 percent to 95 percent
* raising girl's gross enrolment rate at the primary level to 94 percent
* raising the completion rate at the primary level from 40 percent to 70 percent
* raising adult literacy rate from 35 percent to 62 percent
* increasing female literacy rate from 24 percent to 50 percent by 2000

The National Plan of Action includes the elimination of gender disparity; expansion of non-formal education and undertaking of social mobilization programmes.

The *Draft Participatory Perspective Plan* (1995-2010) has set the following objectives and targets:

* ensuring enhanced participation of women at all levels of education
* continuing and expanding the free tuition and stipend programme for secondary girls students;
* increasing enrolment of secondary students, particularly girls;
* accelerating the expansion of facilities for women's education to reduce the educational gap between the sexes.

In school and at higher levels women are allowed to take the same subjects as boys. Same curriculum and examination procedures are followed for both boys and girls. Scholarships at various levels (primary, secondary, SSC, HSC and University) are given on the basis of merit and girls/women have equal access to these provisions. Since fewer women than men go into higher education, it is mostly boys/young men who derive the benefits of such government provisions.

Some statistics regarding teacher student ratio, educational expenditures etc. have already been given in Part I, Status of Women in Bangladesh.

Provisions have been made to recruit women teachers to sixty percent of the vacant positions in primary schools. The current situation regarding the number of women as teachers has been shown in Table 6. An effort has been made to recruit 7000 women teachers for secondary schools i.e at least 2 women teachers in each school. These teachers will also be given a year's training with a stipend prior to their appointment. Accommodation facilities will also be provided for women recruits after their appointment.

The allocation for education sector has increased to 16 percent of the total public sector expenditure in 1994-95 from 11 percent in 1991-92. This is the highest allocation in the budget for any one sector. The government provides 80 percent of the teacher's salary of the registered private schools. A target has been set to establish at least one separate girls' secondary school in each thana.

2.9.3 Secondary Education:

To reduce the disparity in access to secondary schools between boys and girls, special provisions have been made which include:

a) A nation wide female stipend programme at the secondary level, to support girls in grades 6-10 studying in recognized institutions (schools/madrassas) outside metropolitan areas. They receive a stipend for books and are provided free tuition against a payment to the school by the government. The objectives are to retain female students at the secondary stage and thereby promote higher education; increase the enrolment rates and reduce dropout rates and also control population growth rate by discouraging girls from marrying before 18 years of age.

b) Providing salaries for additional secondary teachers required for the increased enrolment: The number of secondary schools has increased from 8137 in 1990 to 9352 in 1994 (about 15 percent). This has reduced the distances children have to travel to reach schools, an important factor for the expansion of girls' education.

c) Occupational skill training for secondary school girls: Girls leaving formal schooling (at least at grade 8) are assisted to acquire skills suitable for wage employment or self employment on a pilot basis.

d) Public awareness programme for the education of girls: Media campaigns have been launched for promoting girls' education through various means. These include TV spots, radio programme and a special project called "Meena" for the promotion of the rights of the girl child (see Section 2.3 above).

e) Water supply and sanitation programme for girls: Support will be given for hygiene education, latrine construction and rehabilitation, and the sinking of tubewells. At present, only 28 percent of the total state owned schools have separate toilets for girls.

f) A Food for Education programme has been undertaken to increase enrolment and reduce dropout rates. Students are given food in the form of wheat on a monthly basis attending school regularly. A study has found attendance has increased by 14.7 percent and drop out decreased by 7.6 percent (24).

g) Secondary education upto grade X outside municipal areas has been made free.

h) A girl child who is the only child of parents residing outside municipal area is given the opportunity to study upto degree level free of cost.

The Government has recently decided to make Higher Secondary Education for girls free as well. Steps are underway in this regard.

Women's participation in technical education has traditionally been insignificant. The total number of girls in the Vocational Training Institutes (VTI) in the country was 69 in 1990 and reached 191 in 1994. There is one women's polytechnic institute and the number of students in all polytechnic including this one was 655 in 1994.

In the private sector, a medical college has been established exclusively for girls. Some colleges have been upgraded as universities. A number of other private universities and medical colleges have been established and girls are equally qualified for admission. However, in many cases girls cannot access these institutions as the expenses involved may be prohibitive.

Among adolescents, a large proportion has never attended schools. The Directorate of Non-Formal Education aims to cover 300,000 adolescent girls and boys during 1992-96. The role of NGO's in enhancing female education has been recognized and emphasized by the government. NGOs like the Bangladesh Rural Advancement Committee (BRAC), Gono Shahajja Sangstha (GSS), Proshika, Saptagram Nari Swanirvar Parishad and Community Development Centre (CODEC) and Friends in Village Development in Bangladesh (FIVDB) are playing a vital role in providing non-formal education to children and adults in the country. Many of the organizations have designed their own models of gender sensitive functional literacy programmes. BRAC has established over 36,000 non-formal schools in rural Bangladesh with 1.3 million students and atleast 70 percent of the students in each school are supposed to be girls.

2.9.4 Remaining Issues:

Since the state is not in a position to ensure primary education for all due to various resource constraints it has to depend on parental motivation and attitudes to achieve this. Since no fines or penalties are imposed on the guardians for non-compliance, parents may chose not to send their daughters to school.

Free education in most cases means only free tuition and for higher level education other factors such as clothing, books, fees for school/college final examination and security on the way to school often affect girls'/women's participation. The concentration of higher educational institutions in the urban areas often prevents girls in rural areas from continuing with their studies as parents often do not have the resources to send their daughters to urban areas and worry about the lack of secure residential facilities for girls near the educational institutions.

A large percentage of the dropouts and some of those who have actually completed primary

education remain functionally illiterate as adequate measures are not taken to retain literacy.

The number of female teacher is a factor influencing girls' enrolment rates at primary and secondary levels of education. The number of female teachers as well as the number of women in education management i.e. in the decision making positions in the different directorates under the Ministry of Education is very low and not enough to influence decisions. Since new recruitment is limited, only 27 percent of all teachers are female. Continuation of positive discrimination in recruitment for a long period will be necessary to reach equality.

Contrary to the provision stating that the same curricula should be followed by both sexes a few subjects are specific for girls or boys. At a higher level women can study agriculture but cannot study marine engineering as such institutions do not have facilities to accommodate women. Women lack information about the existing options, the facilities available to accommodate women are often inadequate and the perceived gender role and division of labour influences the selection of subjects for girls and boys. In the engineering field, more women enter into architecture and civil engineering than into other options.

Vocational counselling for guidance on careers is generally not available and it is absent for girls. Social norms also limit the scope for girls to pursue careers even after having obtained the necessary qualifications.

Curricula are not gender sensitive and often reflect the traditional roles of men and women, thereby reinforcing them (see Section 2.4). Teachers training curricula also do not take into account women's multiple responsibilities. The existence of various methods and systems of education, such as madrassa education, may be an obstacle to a more uniform gender sensitive curriculum being promoted.

Girls' schools often lack resources such as common rooms, enough recreational and sports equipment, science laboratories, etc. compared to the boys' schools. Opportunities for extra-curricular activities for girls are limited (see Section 2.13).

2.10 Article 11: Equal Employment and Training Opportunities.

1. State parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights in particular:

a) The right to work as an inalienable right of all human beings;

b) The right to same employment opportunities, including the application of the same criteria for selection in matters of employment;

c) The right to free choice of profession and employment, the rights to promotion, and security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

d) The right to equal remuneration, including benefits and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as right to paid leave;

f) The right to protection of health and safety in working conditions, including the safeguarding of the function of reproduction

2. In order to prevent discrimination against women on grounds of marriage or maternity and to ensure their effective right to work, State Parties shall take appropriate measures:

a) To prohibit subject to imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

b) To introduce maternity leave with pay or with comparable social benefits without loss of formal employment, seniority or social allowances;

c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this Article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

2.10.1 Overview:

Generally speaking, employment opportunities are unequal for women as a large majority of women live below the poverty line and do not receive education. Social constraints and norms relating to women's role also contribute to lower employment though women are major contributors to the household economy.

A gradual increase in female labour force participation during the last decade is evident from statistics.

Table 9: Labour Force Participation in Various Surveys.

Year and Survey	Bangladesh Total	Male	Female	Urban Total	Male	Female	Rural Total	Male	Female
LFS 1985-86	44.0	76.9	9.4	47.9	74.1	14.3	43.3	77.5	8.7
LFS 1989*	71.6	81.0	61.6	52.1	72.7	29.0	75.2	82.5	67.4
LFS* 1990-91	69.6	79.6	58.2	55.9	76.3	30.1	73.2	80.6	65.1
LFS* 1995-96	64.8	78.3	50.6						

Source: Bangladesh Bureau of Statistics, LFS 1995/96 (25)

* An extended definition of labour force was used.

2.10.2 Policy:

The Constitution recognizes employment generation and poverty alleviation as the fundamental responsibility of the State. Poverty alleviation was the major theme of the Fourth Five Year Plan. The government has accorded high priority to poverty eradication during the meeting of the Heads of States of South Asian Association of Regional Co-operation (SAARC) in Dhaka. Creation of self-employment and wage employment opportunities through various programmes has been undertaken as a strategy to alleviate poverty. Women have been made a distinct target group as beneficiaries and agents under various poverty alleviation programmes by government and NGOs.

The Participatory Perspective Plan (1995-2010) includes the following objectives and targets:

* To provide skill training and credit for self-employment;
* To increase the share of women's employment in the public sector from 8 to 30 percent by 2000 years both in national and foreign service jobs;
* To increase employment through human resource development;

According to the traditional definition of labour force, women's productive work within the household is not included. The definition of the labour force in the 1989 and 1991 surveys has been modified to capture women's involvement in agricultural production and processing including the care of domestic animals. The labour force surveys found that the rate of increase in female labour force participation was much higher than that for men.

Women migrating overseas for employment is a relatively recent phenomenon in Bangladesh.

Women are going to Middle Eastern countries, Pakistan and Malaysia as domestic workers, nurses, garment workers etc. The percentage of women working abroad as percentage of total employment abroad is not available.

2.10.3 Public Sector:

Women are equally eligible for recruitment for public sector employment. Equal pay and benefits have been ensured for women in terms of pay, house rent, medical allowance, etc. Women are entitled to paid maternity leave. Retirement benefits, sick leave etc. are equal in the case of public sector employment. Although women formally have equal access to job training they often have fewer opportunities for higher training as they are fewer in number and have various constraints in availing of training opportunities. Retirement age and contributions towards pension are equal for men and women. Women and men can enjoy equal benefits as spouses in the public sector. However, women are exempted from doing night jobs.

Though the public sector provides equal pay and other benefits participation of women remains very low. Data on women's participation in civil service positions has been given in Section 2.6.4 above.

Since due to low educational attainments and other reasons women participation in public service is low, quota provisions have been made for the recruitment of women. Ten percent officers and 15 percent staff positions at the entry level are reserved for women and women are recruited on merit as well. The age limit for women to be eligible for a government job is 30 years, whereas it is 27 for men. The current position of women in public sector recruitment has been shown in Tables 4 and 5 in Section 2.6.4 above.

A large number of women are working in the rural areas as field workers or agents of different development programmes. Most of the positions such as 11 "family welfare visitors" under the population programmes, and field workers of various credit programmes are occupied by women. A large number of women are working as extension agents in various public sector programmes although the total number is not available. According to the government rules the workers under development budget get equal benefits for leave, maternity benefits etc. but are not entitled to retirement benefits or pension like regular public servants. This affects more women than men as the number of women working in development programmes is higher than that working in regular positions.

Some special steps have been taken by the Ministry of Women and Children Affairs to support working women which are as follows:

* Career women's hostels have been established in four divisional head quarters of the country to provide accommodation to working women.

* A project to provide day care services for working women was begun in July 1988 to assist poor working mothers. The children are provided day care services including primary health care, nutrition, immunization. Six such centres have been established in Dhaka.

* An employment information centre has been established for unemployed women which enlists their names and makes contacts with different Ministries and Departments for jobs.

Although there is no legal restriction to women taking jobs in technical fields, very few women are working in these areas as few have the required qualifications.

The public sector has not been able to provide for flexible working hours to adjust family responsibilities though provision for paid maternity leave exists for women. Paternal leave as a concept has not yet been accepted in the country though men sometime take leave during the childbirth of their wives.

2.10.4 Manufacturing and Service Sectors:

Both public and private manufacturing sectors generate about 58 percent value added and employ about 18 percent of the total labour force (26). Women constitute a high proportion of family based cottage industrial workers as unpaid labourers. Due to impoverishment and adoption of new technologies in agricultural processing, women are partly being displaced from the agriculture sector and are joining the manufacturing sector. The manufacturing sector plays a vital role in enhancing income and employment opportunities for women who comprise nearly 24 percent of the total manufacturing workers. In the urban area women are mostly found concentrated in low paid manufacturing sector activities or in the recently emerged export oriented labour intensive industries. The garment and the shrimp processing industries are the highest employers of women labourers. Women are also found in electronics, food processing, beverages, apparels, handicrafts etc. These industries are predominantly filled by women due to traditional perceptions about how such work is suited to their "natural abilities" and because these industries absorb unskilled and low paid labour.

Statistics on women's participation in various sectors show that their I nvolvement in various agriculture and related processing industries is high which is evident from table 10.

Table 10: Employed Persons 15 Years and Over by Major Industry and Sex.

(Million)

Major Industry	Bangladesh			Urban			Rural		
	Both Sex	Male	Female	Both Sex	Male	Female	Both Sex	Male	Female
Total	40.3	33.2	7.1	8.9	7.0	1.9	31.4	26.2	5.3
Agri., Forestry, Fisheries	20.6	17.8	2.8	1.0	0.9	0.2	19.6	17.0	2.6
Mining & Quarrying	-	-	-	-	-	-	-	-	-
Manufacturing	4.0	2.6	1.4	1.6	1.0	0.5	2.4	1.5	0.9
Electricity, Gas, Water	0.1	0.1	-	0.1		-	0.1	-	-
Construction	1.0	0.9	-	0.3	0.3	-	0.7	0.7	0.1
Trade, Hotel & Restaurant	6.0	5.5	0.4	2.2	2.0	0.1	3.8	3.5	0.3
Finance, Business Services	2.3	2.2	-	1.0	1.0	-	1.3	1.3	-
Community & Personal Service	0.2	0.2	-	0.1	0.1	-	0.1	0.1	-
Household Sector	5.0	3.3	1.7	2.2	1.5	0.7	2.8	1.9	1.0
Not-Adequately Defined	1.0	0.4	0.7	0.4	0.1	0.2	0.7	0.2	0.4

Note: Categories with less than 50 thousand are left blank. Details may not add to totals due to rounding.

Source: LFS 1995/96(27)

Although the manufacturing sector employs a large number of women, it does not always provide the minimum required wage level and work environment as stipulated in the labour law. Wage rates are unspecified in most of the industrial units. Women in construction, garments or other manufacturing units suffer from discriminations in wage rates. Table 11 shows the distribution of weekly income/earnings of wage and salaried persons aged 15 years and over. About 21.4 percent of the total employed wage and salaried persons reported earnings less than Tk. 250 per week and 43.9 percent urban and 61.6 percent rural female salaried workers earned less than Taka 250 per week.

Table 11: Percent Distribution of Workers by Weekly Income, Gender and Locality.

Weekly Income (Tk.)	Bangladesh			Urban			Rural		
	Both Sex	Male	Female	Both Sex	Male	Female	Both Sex	Male	Female
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
< 250	21.4	11.9	51.6	16.8	7.0	43.9	26.5	16.8	61.6
250 - 500	32.2	33.8	27.0	30.6	30.9	29.9	33.8	36.8	23.1
501 - 750	17.3	19.8	9.3	17.0	20.0	9.5	17.7	20.0	9.2
751 - 850	5.0	5.7	2.7	4.4	5.0	2.9	5.6	6.4	2.5
851 - 950	2.7	3.0	1.8	2.7	3.0	1.9	2.8	3.0	1.8
951 - 1050	6.0	7.1	2.8	7.6	8.7	4.7	4.3	5.4	0.3
1051- 1150	0.7	0.9	0.1	0.8	0.9	0.2	0.6	0.8	-
Tk. 1151 +	14.7	17.8	4.7	20.1	24.8	7.1	8.7	10.7	1.5

Source: LFS 1995/96 (28)

Under the labour law manufacturing or service units employing more than 50 women are to provide child care facilities and separate toilets for women. Accommodation facilities for low income women are limited. Through private effort some residential accommodation for women have been created in the capital city.

Health facilities and maternity benefits are not often provided in these sectors. Most of the industries don not have provisions for paid maternity leave. Adequate accommodation, toilet and child care facilities for women could not be created in the work place although provided for in the labour law. Women working in the export processing zones are prohibited from forming trade unions. In the export oriented garment industries women work at night when there is a need to meet deadlines for shipment. Security in the work place remains an issue especially in the private sector.

The Bangladesh Small and Cottage Industries Corporation (BSCIC) has an entrepreneurship development and employment programme for the manufacturing and service sectors. The Women's Entrepreneurship Development Programme (WEDP) implemented was started as a pilot project in 1984 in 4 selected thanas. The objective is to develop women as entrepreneurs by providing them training and credit facilities to establish small scale manufacturing and service units. BSCIC assists in the procurement of raw materials, provision of design, marketing information etc. WEDP is assisted by USAID and women are given loans from the bank without any collateral. The project has so far assisted a few thousand women entrepreneurs to set up independent business enterprises.

2.10.5 Self Employment Programmes:

Women's involvement in the agriculture, fisheries and livestock sectors is substantial. In most cases they work as unpaid household labourers. Data on women's time use in these areas is not available in order to determine whether they are involved on a part-time or full time basis.

Government Programmes:

Various government agencies have specific self-employment generating programmes for poverty alleviation specially in the areas of agriculture, fisheries and livestock. These programmes have also created opportunities for women to access credit without collateral. The Ministries which have projects of this type include the following:

* Ministry of Women and Children Affairs
* Ministry of Youth
* Ministry of Social Welfare
* Ministry of Local Government, Rural Development and Cooperatives
* Ministry of Labour and Manpower
* Ministry of Livestock and Fisheries.

Some of these programmes are discussed in Section 2.13.

The training opportunities created under different ministries/agencies for vocational skills are inadequate compared to needs. Very few opportunities exist for higher level skill development. Less opportunity for education and employment leads to lesser opportunities for training, specially in the non traditional and technical areas, which further contribute to lower employment and employment at lower levels. Special training on advanced technology such as computers, telecommunications, printing etc. have been introduced for women by various government and non-government organizations.

Non-Government Programmes:

The NGO programmes in Bangladesh have been successful in creating employment opportunities for women mainly in the rural areas. Several models have been developed in Bangladesh such as the "Comilla model", "BRAC Model", "Grameen Model" of credit based self-employment generating programmes as elaborated in other sections. About 18,000 NGOs are working in Bangladesh in various areas. Self-employment generation is one of the major activities of most of the NGOs (see Section 2.13).

NGOs have been able to generate employment for a substantial number of women. In addition a large number of women are working in the NGOs as staff although exact figures are not available. Most of these women are working in the rural areas as extension workers.

The wages in NGOs are uneven and often paid maternity, child care, pension and gratuity are not ensured. However, some NGOs follow flexible working hours in order to accommodate women's needs during pregnancy and lactation.

2.10.6 Remaining Issues:

The employment status of the population indicates that women dominate in the categories of unpaid family labour and employees. Women are negligible in number in the category of employer. Women's limited access to productive resources affects them negatively in terms of acquiring knowledge, obtaining essential services and overcoming gender-specific constraints to labour force participation.

Table 12: Employed Population 10 Years and Above by Employment Status.

(Million)

Employment Status	Bangladesh			Urban			Rural		
	Both Sex	Male	Female	Both Sex	Male	Female	Both Sex	Male	Female
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Self-Employed/Own Account Worker	39.7	43.5	22.3	36.9	41.7	19.0	40.5	43.9	23.5
Employer	0.4	0.4	0.4	0.8	0.9	0.3	0.2	0.2	0.4
Employee	16.8	15.0	25.3	39.2	34.8	55.6	10.5	9.7	14.5
Unpaid Family Helper	18.9	15.6	33.9	9.6	7.8	16.2	21.5	17.7	40.3
Day Labourer	24.2	25.5	18.0	13.5	14.8	8.8	27.2	28.4	21.3

Source: LFS 1995/96 (29)

Although the Government is trying to reflect women's unpaid household work in the national accounting of gross domestic product it has not been able to do so yet. However, the definition of labour force has been changed, as mentioned earlier.

The potential of the media to create positive images of the productive potential of women has not been fully utilized as yet. To ensure more participation of women in agriculture and industrial sectors, some of the key issues are as follows: increased extension, skill training and information services responsive to women; promotion of technological innovations to increase women's productivity; special credit programmes without collateral security and quota provision; improvement in the work environment in industries; and identification of women as a separate group in the small and cottage industries sector. Although progress has been made in these areas, it has been inadequate as compared to needs.

The employment of qualified women to senior planning and decision making positions through contracts and lateral entry, and the increase of quota provisions to increase the actual proportion of women at various levels, needs to be ensured. Opportunities for professional technical and administrative positions through special training are inadequate. It is also necessary to encourage the private and public sectors to employ women in executive, managerial, sales and technical positions.

2.11 Article 12: Equality of Access to Health Care:

1. State Parties shall take appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality with men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, State Parties shall ensure to women appropriate services in connection with pregnancy, confinement and post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

The Government of Bangladesh has been pursuing a policy of providing minimum essential health care for all. The successive health plans of the country have emphasized primary health care as the key to improving the health status of the population with a commitment to health for all by the year 2000. Accordingly increased allocations have been made for the health and population sectors. Given below are certain indicators of the sector.

Table 13: Indicators of Health and Family Planning Sector.

Indicator	1991	1995
Total number of hospitals	890	933
Government hospitals (number)	610	645
Non-government hospitals (number)	280	288
Government dispensaries (number)	1318	1397
Total hospital beds	34353	37131
Beds in Govt hospitals and dispensaries	27111	29106
Beds in non-govt. hospitals	7242	8025
Persons per hospital beds	3189	3229
Registered physicians (number)	20371	24638
Persons per physician	5380	4866
Registered nurse (number)	9655	11200
Registered mid-wife (number)	7713	11000 (as of 1994)
T.B Clinics (number)	44	44
Maternity and child welfare centres	96	96
Health personnel (number)	81744	75567 (as of 1994)
Government Medical Colleges (Number)	8	13

Indicator	1991	1995
Homeopathic Colleges (number)	22	24
Pharmaceutical Industries (number)	198	203
Homeopathic Medicine producing firms	58	74
Unani and Ayurvedic medicine producing firms	405	405
Life Expectancy at Birth - Male - Female	 57 56	 58.9 58.0
Crude Birth Rate	31.6	26.9
Crude Death Rate	11.2	8.5
Infant Mortality Rate	92	78
Total Govt. expenditure on health and family planning (crore Taka)	698	1671
Per capita govt expenditure on health and family planning (Taka)	62	139

Source: BBS, 1996 (30)

2.11.1 Health:

The Fourth Five Year Plan (1990 to 1995) objectives included the following:

* Improving the health status of the population, particularly mothers and children,
* making health services especially maternal child health and family planning, available in a package to the family with a view to increasing its welfare
* improving the nutritional status of the population, particularly mothers and children,
* consolidating and strengthening the coverage of primary health care,
* fostering appropriate health manpower development,
* strengthening planning and management capabilities in the health system for effective utilization of existing facilities.

The strategies included fostering intersectoral coordination among health, population and other sectors; turning the family planning programme into a social movement; enhancing women's status through education and participation in economic and social life; mobilizing community support and participation; ensuring voluntarism of clients and offering a wide range of choice of contraceptive methods through a "cafeteria approach" and improving the quality of services.

In order to deliver health services to the door steps of the rural population a programme for the development of a comprehensive health infrastructure network in rural areas has been undertaken through the establishment of a health complex in each "thana" (sub-district). Under this programme 397 health complexes are to be established out of which 351 have already been completed (31). The Government has decided to increase the number of beds in these complexes to 50 from 31, in district hospital beds will be increased from 50 to 100 and in the greater districts beds will be increased from 100 to 250. Currently there is only one hospital bed for every 35,000 persons.

The expanded programme for immunization (EPI) was undertaken about 12 years ago. From a vaccination coverage of 2 percent of all children in 1984 the figure has increased to 84 percent of children of 23 months of age in 1994. Significant progress has been made in the control of diarrhoeal diseases. With the introduction of Oral Rehydration Salts, the death rate due to diarrhoeal diseases has come down to 15 percent while in the late seventies it was responsible for 45 percent of all deaths. Knowledge of ORS is 93 percent among the population and usage is 66 percent (32).

Health constitutes a labour intensive sector. There are more than 75,000 employees working under the Directorate of Health Services, which includes 8,000 medical graduates, 6,650 nurses, 4,650 Health Inspectors and 21,000 Health Assistants (33). The family planning programme employs a large number of female workers: all 4,500 Family Welfare Visitors and 22,500 Family Welfare Assistants are women and most of the 4,500 vacant post of Health Assistants have been filled with women in the previously all male cadre of 21,500 (34).

2.11.2 Family Planning:

The Government accords top priority to family planning and considers it to be an integral part of the development process. The population is now growing at the rate of 1.98 percent while total fertility rate is 3.4 and the Contraceptive Prevalence Rate is 45 percent. The contraceptive method with the highest prevalence is the oral pill (17 percent). Male contraception accounts for only 12 percent of total CPR.The Government has integrated the Mother and Child Health (MCH) Services Programme with family planning programmes since 1975 in order to organize MCH-based family planning programmes. The objective is to deliver health services in the same package to both mothers and children and reduce mortality and morbidity to influence family planning practices.

Since it was assumed that a reduction in infant and child mortality would be followed by a decline in fertility rates, maternal and child health was prioritized by the Fourth Five Year Plan. The plan targeted achieving a population growth rate of 1.8 percent and total fertility rate per women of 3.3 by the year 1995. The contraceptive prevalence rate was be raised to 50 percent by the year 1995. The Plan emphasized inter-sectoral policies and programmes with special emphasis on fertility reduction and non family planing interventions for fertility control. The Population Policy seeks to achieve a Net Reproduction Rate of 1 by 2005, which will lead to a total population of 137 million by the end of the century.

The strategies include establishing the small family as a norm through information, education and motivation programme and also contraceptive education. Attempts are also being made to improve the status of women within the family and the community so that they are allowed to make their own decisions about pregnancy and family size. This involves creating opportunities for education, employment, and income generating activities for women.

Table 14 shows MCH goals and achievements:

Table 14: MCH-FP Goals and Achievements:

Indicators	FFYP (mid-1995)	Achievements	Perspective Plan (1995-2010)
Total Fertility Rate (TFR)	3.3	3.4	2.1
Contraceptive Prevalence Rate (CPR)	50	44.6	72.4
MMR/1000 live births	4.5	4.8	3.5
Infant Mortality Rate (IMR)/1000 live births	80	87	25
Neonatal mortality rate/ 1000 live births	60	70	20
Net Reproductive Rate (NNR)	1 by the Year 2005		1 by the year 2010
Crude Birth Rate (CBR)/1000	30.1	26.9	21.0
Crude Death Rate (CDR)/1000	12.6	8.5	7.7
Growth Rate %	1.81	1.98	1.33
Life Expectancy Male	57	57	61.8
Life Expectancy Female	56.3	56.8	62

(Akhtar, pg 16) Source: Akhtar (35)

The maternal mortality rate of 495 deaths per 100,000 live births is one of the highest in the world. However, there has been a significant decline since the 1985 rate of 600 deaths per hundred thousand. Fourteen percent of child births are attended by trained personnel, 60 percent are attended by Traditional Birth Attendants and around 90 percent of births take place at home. Available information shows that only 5 percent of the estimated 0.6 million complicated obstetric cases are able to avail of medical facilities. However, since 1990 more than 70 percent Tetanus Toxoid-2 coverage for pregnant women has been sustained (36).

The infant mortality rate was of 71 per 1000 live births in 1995. Within the one to four age range 16 girls per 1000 die in contrast to 13 boys (37).

A wide range of service outlets have been established throughout the country to deliver MCH

services. A broad institutional base consisting of 349 MCH Units of Thana Health Complexes, 90 Maternal Child Welfare Centres, 3000 Family Welfare Centres and about 30,000 Satellite Clinics per month have been made functional and staffed. Each satellite Centre is to serve 7 to 8 thousand people. In addition there are about 400 NGOs providing family planning services through 12,000 outreach workers (38).

2.11.3 Nutrition:

The state of nutrition among the population in general is a matter of concern to the Government. Malnutrition is caused and compounded by both caloric intake and micro-nutrient deficiencies, by lack of access to nutrition and frequency of diseases, especially water-borne ones. Forty eight percent of the rural and 44 percent of the urban population live under the poverty line based on calorie consumption of 2100 calories per day. The hard core poor consume less than 1800 calories per day: Twenty six percent of the urban population and 28 percent of the rural population fall within this definition.

Malnutrition is caused by various factors: low and unstable family incomes, unequal access to productive resources and social services, traditional dietary practices, repeated episodes of illness and habitually low food intakes. In addition preferential intra-household food allocation to males exacerbates malnutrition among females who eat last and least. Throughout their lives caloric intake is lower for females than for males: 16 percent less for girls under 5; 11 percent less for girls 5-14; and 29 percent less for adult women. The severe deficiency in nutrients during pregnancy and lactation aggravates women's chronic nutritional deficiencies. This is further exacerbated by the heavy physical workload of women which continues during pregnancy, the general lack of food low income and harmful feeding practices.

2.11.4 STD/HIV/AIDS:

Although Bangladesh is a low STD/AIDS prevalence country, it has already established a project to address the possible emergence of AIDS and Sexually Transmitted Diseases as a health crisis. Some studies mention 2.3 million STD cases and WHO estimates 20,000 HIV cases (39). All determinants of a serious problem exist: infection, malnutrition, proximity to high prevalence countries, prevalence of STDs, core groups with high risk behaviours, migrant populations, lack of information and unsafe practices of blood transfusion. Communication campaigns addressed at all population segments are in place with a special focus on populations at risk such as prostitutes. A National AIDS Committee has been formed to formulate policies and strategies to deal with AIDS related issues. Health risks for women engaged in prostitution are especially high. A study recorded that 21.67 percent of the prostitutes interviewed had VD and 17.5 percent hepatitis. Training in diagnosis and surveillance of HIV has been given to a limited number of persons of selected institutions. Selected screening tests are available at the various THCs. However, overall test facilities are inadequate. Counselling in the area of STD and HIV/AIDS is almost non-existent.

The NGO sector was the first to respond to the emerging threats of an AIDS epidemic in Bangladesh. The STD/AIDS Network, a coalition of NGOs working, or planning to work in the field, was formed in 1993. Currently it is composed of 102 individuals from 72 organizations.

2.11.5 ICPD Action Plan:

As a follow-up to the International Conference on Population and Development various initiatives have been undertaken to incorporate the recommendations into national level policies and programmes. An Action Plan has been formulated and a more detailed Health and Population Sector Strategy (HPSS) is in the process of formulation. The HPSS is being prepared through a participatory and broad-based process involving numerous actors. It seeks to develop a health and population sector that is responsive to clients', especially women's, needs, that provides better quality services, is financially sustainable and has adequate delivery capacity. The principles of HPSS are stated below:

* Government to focus on the essential package of services in financing and delivering services. Within the essential package Government's highest priorities would be (a) interventions that have public good character (i.e. that are non-excludable and that have important externalities) and (b) interventions related to maternal health.

* their health services will be expanded and improved through partnerships with, or commissioning of services to, NGOs and community hospitals and through a larger and better regulated role for the private sector.

* he resource constraints for meeting future demand for health/family planning services will require expansion of cost recovery and more efficient use of resources in the public sector.

* improved organization and management in the public sector are the key elements of improving quality and efficiency in health/family planning services

* complimentary measures are needed in other sector to increase the impact and efficiency of health/family planning measures (40).

In conclusion, in spite of the Government's massive investments in the health and family planning sector many gaps remain to be filled. There has been an emphasis on mother and child health, which consequent neglect of whole areas of women's health and large spans in their life-cycles. Problems faced by adolescent girls and post-menopausal women are not considered. Women are seen primarily as mothers. Even within the child-bearing age, problems such as reproductive tract infections receive inadequate attention. Although attention is given to family planning, methods reinforce the woman's responsibility and outreach mechanisms such as female staff and methods are targeted towards women.

2.12 Article 13: Equal Rights with Regard to Economic and Social Benefits.

1. State Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:
(a) The right to family benefits;
(b) The right to bank loans, mortgages and other forms of financial credit;
(c) The right to participate in recreational activities, sports and all aspects of cultural life.

2.12.1 Rights to Family Benefits:

Although the Government of Bangladesh has entered a reservation on this article, women in the government service are receiving the same family benefits as men. In fact, in some cases women are positively discriminated against. Among the most important family benefits are the right to family housing quarters or allowances. Women married to other government servants are also entitled to their own housing allowance, even if the husband is receiving a housing allowance. In case the husband has received a housing allotment, the wife will still receive her housing allowance. The reverse is also true. While allocating housing quarters, women are given three years seniority for the waiting list while deciding on allocations.

All other family benefits such as pensions and medical allowances are given equally to male and female employees.

2.12.2 Reservation on Article 13(a):

Bangladesh is not a welfare state and does not provide any welfare benefits to its citizens, either men or women. However, certain service benefits are provided to government employees. These are provided equally to men and women. In fact women enjoy certain additional benefits as mentioned above. In addition women are given paid maternity leave. Certain special measures are being taken to accelerate the development of women (see Section 2.3).

2.12.3 Rights to Bank Loans, Mortgages and Other Forms of Financial Credit:

The regular banking system with its requirements of collateral discriminates against women as in most cases they do not own assets which can be used as collateral. Various social and cultural customs make it difficult for women to have easy access to the banks and bank officials. They are not as familiar as men with the various procedures and requirements.

The regular banks do not maintain sex-disaggregated data which is why it is not possible to furnish information on the number of loans or the volume of loans given to women. Some of the public or national commercial banks do have "ladies branches" but their role is more mobilization of savings than encouragement of investments. And, although it not a legal requirement, in practice bank managers would require the consent of the husband or other male relatives, as guarantors before sanctioning loans to women.

The level of poverty in the country means that the number of women eligible to borrow from regular banks is limited. In this respect NGO and other similar government programmes that provide collateral free loans have assumed tremendous importance in providing credit to poor women.

* The Bangladesh Rural Development Board's Women's Programme covers 190 thanas and has provided credit to 100,830 members through 5915 societies. Taka 200 million was disbursed in 1996 of which 120 million was from the bank and 80 million from the women's savings (up to end 1996).

* The Palli Karma Shahayak Foundation (PKSF) has disbursed about 600 million Taka through 100 NGOs, which has reached 167,027 women and 22,293 men (up to June, 1994).

* The Bangladesh Rural Advancement Committee (BRAC) has disbursed a cumulative amount of 11,714 million through 4.25 million loans to 1,388,701 loanees (45,542 women and 3,364 men) (up to June 1996).

* Grameen Bank (GB) has disbursed a cumulative amount of Tk 65,509.8 million to 1,937,348 women (as of December 1996).

* The Association for Social Advancement (ASA) has disbursed a cumulative amount of 3,411 Million taka 495,423 women and 348 men.as of June 1996.

* Proshika MUK disbursed 164 million Takas to 5,174 women between July 1993 to June 1994.

* Two hundred and thirty-four NGOs had disbursed Tk 21,940 million to 3 million members up to June 1996, with an outstanding of 6,250 million (41). (This includes PKSF partners, ASA, BRAC, Proshika and GB).

In view of women's greater vulnerability to poverty and the greater development and social impact obtained by providing loans to women, many programmes have made it a strategy to channel all, or the major part, of the loans to women. This approach has negative implications in that it increases women's economic and financial responsibilities for their families but it is

positive in that it increases women's access to financial resources at terms and conditions that are not exploitative like those of informal money-lenders.

2.12.4 Recreational Activities, Sports and Culture:

The Fourth Five Year Plan encourages and seeks to ensure female participation in all types of games and sports by providing two standard play grounds in each district and thana, one for men and one for women's, for practice and recreation. Sports and games are encouraged for women and two sports complexes have been established in two major cities of the country. Women are also encouraged to participate in the international sports meets including Asian Games, South Asian Federation Games and Olympic Games,

However, culturally and socially girls and women are discouraged from playing games and sports, as a result of which they do not do very well professionally either. The majority of primary and secondary schools do not have sports classes or facilities for girls.

Production of movies and plays are supported by the government, private groups and business, where men and women participate equally. There is a tradition of women participating equally in cultural activities, where they play a prominent role as actresses, singers, dancers, writers, producers, etc. However, very few are producers or directors.

2.13 Article 14: Particular problems faced by rural women:

1. State Parties shall take into account the particular problems faced by rural women and the significant roles which they play in the economic survival of their families, including their work in the non-monetized sectors of the economy and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. State Parties shall take appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on the basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

a) To participate in elaboration and implementation of development planning at all levels;

b) To have access to adequate health care and family planning, social security, education and extension services; participation in self-help groups and community activities; access to agricultural credit and other facilities and adequate living conditions;

c) To benefit directly from social security programmes;

d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

f) To participate in all community activities;

g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

2.13.1 Overview:

As the majority of the population live in the rural areas, rural development is the primary focus of development activities in Bangladesh. Women are in a relatively disadvantaged position in terms of access to resources and services. Their position is even more precarious in rural areas. The Five Year Plans provide for two types of interventions to improve the condition of rural women through the Rural Development and Institutions sector. The rural development programmes focus on three particular areas: irrigated agriculture, infrastructure development and productive employment. Poverty alleviation was the major theme of the Fourth Five Year Plan. As women form the majority of the poor they have been considered as beneficiaries as well as agents for development for all the three above mentioned areas of rural development. Education, MCH, legal aid, training, credit for investment have been identified as important means of meeting the practical needs of the women. Some programmes also address women's strategic interests to change their position. These programmes emphasize the building of women's organizations for their empowerment while enabling them to meet their practical needs.

2.13.2 Programmes:

2.13.2.1 Role of Government Agencies:

Different Ministries and NGOs are implementing different types of projects and programmes for rural women. The aim is to assist women achieve the capacity to meet their basic needs and improve the quality of life of the disadvantaged population through organizational networks.

The total population covered under all these programmes cannot be estimated but for instance Bangladesh Rural Development Board (BRDB) co-operative membership was 3,491,172 in 1993 of whom 902,004 were rural poor men and women. Information on some rural development programmes of the government is provided below:

Special projects have been taken under **Ministry of Local Government, Rural Development and Cooperatives**. The two approaches followed are as follows:

a) * Mobilization of the rural poor which includes a range of activities like motivating women to organize themselves into informal or cooperative groups, awareness raising, analysis of local socio-economic conditions, deciding and taking action for individual and group development, supervision and monitoring of the activities and building organizational network for social development of the target groups.

* Imparting training for consciousness raising, human development, managerial and vocational skill development, introduction to improved technology etc.

* Providing credit facilities for income generating activities and assistance in

marketing of products.

* Providing information and essential services like health, family planning, sanitation, literacy, consciousness raising on environmental protection etc.

* Creating awareness on legal rights of women and providing legal aid.

b) Engaging women as wage labourers in the construction and maintenance of physical infrastructure in the rural areas.

Vulnerable Group Development Programme: This is the largest programme targeting women in extreme poverty. It is supported by multiple donors through the World Food Programme. It started as a food relief programme in 1975 for destitute mother and children of all the unions of the country. Later, the programme was redesigned to provide wheat as a subsidy to destitute women to involve them in saving and income generating activities and has been placed under the Department of Women's Affairs. Beneficiaries are given 31.25 k. wheat every month for a period of two years and they are involved in government and NGO programs for literacy, training and credit for self employment. This programme is implemented through Union Parishads and so far has assisted more than six million women for a cycle of two years. Currently a total of 399,000 women are being supported for a two year cycle. These women are also given training for different income generating skills and credit through several other sub-projects.

Table 15: Number of VGD women in Union Parishad VGD Sub-project 1989-90 to 1994-95.

Year	Women who received wheat ration	Women (%) who participated in savings scheme	IGVGD Activities			
			Women(%) targeted to be involved	Women who received skill training		Women(%) who received credit
				Poultry	Others	
89-90	441,513	415,022 (94%)	42,000 (10%)	40,586 (9%)	N/A	6,137 (1%)
90-91	441,203	436,791 (99%)	75,000 (17%)	60,439 (14%)	N/A	37,039 (8%)
91-92	417,384	371,472 (89%)	62,000 (15%)	57,929 (14%)	1,768 (1%)	37,151 (9%)
92-93	370,907	318,980 (86%)	116,000 (31%)	104,848 (28%)	1,768 (1%)	56,540 (15%)
93-94	378,505	363,365 (96%)	116,000 (31%)	107,594 (28%)	1,768 (1%)	74,623 (20%)

94-95	399,091	395,101 (99%)	310,563 (78%)	207,632 (52%)	26338 (7%)	105,196 (26%)

Source: VGD Annual Reports, WFP (42)

Rural Maintenance Programme: This is an important poverty alleviation programme implemented through monetization of Canadian Food Aid since 1983. This programme is currently implemented by Local Government Engineering Department in collaboration with CARE International and Union Parishads. Currently 52,000 women are employed to maintain 60,000 miles of essential earthen roads in 3600 unions of the country against a salary. The Union Parishads provide 10 percent of the salary. Women are employed for four years and during the period they are provided training and other assistance so that they can be self-employed after completion of the cycle. So far 45,475 women have graduated from the programme and are now involved in various self-employment activities.The programme has contributed to improved rural communication, marketing has brought significant changes to the life of rural women.

Food Aided Rural Development Programme: This programme is supported by WFP and implemented through Union Parishads. It provides short term employment during the lean period to men and women for rural infrastructure building and other activities in exchange of wheat. During the years 1989-90 to 1994-95 more than 110 million labour days of lean season employment was generated of which about 22.74 million workdays (about 23 percent) were generated for women. Employment opportunities were created in the construction of roads, embankments and culverts as well as in forestry and fisheries.

Rural Development Project 12: The project implemented by the Bangladesh Rural Development Board (BRDB) started in July 1988. It has organized more than 453,000 assetless men and women in more than 16000 cooperative societies in 139 thanas of 17 districts of Bangladesh. This is the largest poverty alleviation programme of the government and about 72 percent of the beneficiaries and 50 percent of the field functionaries are women. The activities include motivation and organization of men and women to form co-operative societies and impart them training on human development, organizational development, co-operative management, skill development, etc. A total of 267,838 women have been given credit for income generating activities. The innovative part of the project is to provide technical skills in improved poultry raising, beef fattening and other activities through a Technical Resource Team and establish linkages with credit opportunities for income generating activities. The project seeks to ensure access to and control over local resources and to utilize them and sustain the benefits through people's own creative potentials.

Population Control Through Rural Women's Cooperatives popularly known as the BRDB Women's Programme started as a pilot project under BRDB in 1974 supported by the World Bank to develop rural women cooperatives. Family planning motivation and services were integrated with income generation activities. Cooperative leaders are trained at thana level on different issues and subsequently act as trainers for their group members. This project covers 190 thanas of the country and organized 120,500 women up to September 1992 in 3175 women's cooperative societies. Ten training cum production centres have been established to develop vocational skills among women.

Rural Development Project 9 and *Rural Development Project 5* are two other projects implemented by BRDB. These are also poverty alleviation programmes and work with rural assetless people. The projects work in different areas and organize men and women into informal

groups. Major activities include group organization, credit, awareness raising, literacy and vocational training for assetless men and women.

Infrastructure Development Projects implemented by Local Government Engineering Department for development of rural infrastructure like rural roads, embankments, small bridges, culverts, growth centers and markets, construction of school buildings, residential quarters, cyclone shelters etc. These activities are carried out by employing the rural poor. The major components of these projects are routine maintenance of earth roads which employ only women as labourers and supervisors. Women are employed to maintain the rural earth roads throughout the whole year. Besides women are assisted through the development of rural market corners, growth centers, ferry ghats etc. Another activity of the projects is to contract out construction work for earth roads to groups of local landless persons and a large percentage of the earth road construction of the project areas is done by women.

A number of projects are being implemented by **Department of Women's Affairs**. Some of them are mentioned below:

* *Women's Vocational Training for Population Activities* : This project seeks to develop income generation skills among rural women through training motivate them towards a small family size and develop leadership qualities among women for population planning and motivation. So far 40 union level and 130 thana level training centres have been established under the project.

* *Self-reliance Project for Rural Women*: The project aims at strengthening of the structure of Department of Women's Affairs at the village level. Another objective of the project is to assist rural women towards self-reliance by providing them with credit and skill development training programmes. A total of 38 thanas are covered under the project.

* *Agro-based Rural Development Programme for Women*: This project aims at developing women's skills in poultry raising, vegetable cultivation, small scale fisheries through imparting practical training, thus contributing towards their socio-economic upliftment. Women are also given training in family planning, literacy, child care, health and nutrition etc. and credit support for income generating activities.

* *NGO Community Based Programme for Women and Children*: The project aims at the mobilization and organization of rural women with the help of non-government voluntary organizations. Hundred and fifty eight local NGOs are involved in organizing and training women under the project.

* *Technology for Employment of Rural Women*: The project aims to expand technology to increase production and productivity and reduce women's effort and drudgery.

Projects under **Department of Social Service** include the following:

Use of Rural Mother Centres for Population Activities : This project popularly known as "Mothers' Club" started in 1975 with a view to integrate population activities with development efforts. The idea was to involve women in self-employment activities and population control by motivating them towards a small family norm. The project endeavours to impart skill development training and thus help women develop self-employment opportunities. Functional education on maternal and child care, nutrition and family planning is provided.

A project implemented by the **Department of Youth Development** is the *Upazila Resource Development and Employment Project* which aims at the alleviation of poverty through the creation of non-farm self employment opportunities for rural men and women. The project considers the family as a unit for development and provides training and credit support to the beneficiaries alongwith support for functional education, improved technology, market information etc.

In the agriculture sector a large number of projects which address the needs of small and marginal farmers attempt to include women in their activities. The projects such as Crop Diversification Programme (CDP) and Agriculture Support Services Project (ASSP) specifically target women for agricultural extension activities.

In the fisheries and livestock sector some projects have included women as beneficiaries and serving women with training and credit facilities. Besides women have been considered as equal recipient of the benefits of the government's land resettlement programme under the "Model Village" programme.

2.13.2.2 Role of Non-Government Organizations (NGOs):

A large number of private sector NGOs are supplementing the government's targeted efforts for poverty alleviation and socio-economic development in rural areas. The importance and contribution of NGOs in national development is well recognized and the Government seeks to utilize their services in a coordinated way. About 18,000 NGOs are playing a creative and innovative role in improving the conditions of poor and disadvantaged. NGO activities are supplementary to the Government's efforts towards decentralized participatory planning with thana as a co-ordination unit. They are also involved specially in technology dissemination and training of target groups. Some of these NGO programmes have made marked contributions towards poverty alleviation.

The activities of the NGOs are coordinated through several mechanisms. The Association of Development Agencies in Bangladesh (ADAB) is one of the apex organizations for NGO activities. The Government has established an NGO Affairs Bureau to co-ordinate the activities of foreign funded development NGOs.

The NGO programmes broadly concentrate in the following areas:

* Group formation and mobilization
* Conscientization and awareness raising
* Leadership development
* Capacity building for planning and management
* Occupational skill training
* Employment generation
* Income generation through self-employment and enterprise development
* Credit delivery
* Building productive assets
* Women's development
* Political participation and empowerment
* Non-formal primary education
* Health and nutrition education and services
* EPI and MCH education and services

* Water and sanitation
* Empowerment for access to government services
* Activation of local organizations
* Housing and shelter

The total outlay under NGO programmes approved by the NGO Affairs Bureau in 1992-2 was Taka 15,654 million excluding the Food for Work Projects executed by the NGOs. Women membership coverage by some organizations in 1996 was as follows (43):

* Grameen Bank - 1937,973 women in 33,687 villages (upto December 1996)
* BRAC - 1,560,187 poor rural women
* Proshika- 679,668
* Polli Karmo Shahayak Foundation through the participating organizations- 167,027 rural women (up to June 1994)
* Community Development Center (CODEC) - 10,738 women
* Shwanirvar - 455,005 women
* Association for Social Advancement - 495,423 women (as of June 1996)

Grameen Bank in a private specialized financial institution reputed for its successful approach to provide the rural poor with an institutional credit mechanism. The specially designed credit programme of Grameen Bank is one of the most innovative to reach credit to the landless poor who are unable to offer collateral for institutional credit. The bank has been able to provide credit to 1.9 million people for income generating activities (productive or trading) through organizing them in 5 member groups. Ninety three percent of the beneficiaries are women and the repayment rate is 99 percent. The borrowers of the bank own 72 percent of the shares and government owns the remaining 18 percent. The Bank is operating in 33,687 villages through 44,455 centres. Grameen Bank finances a wide range of activities including, housing and sanitation. The bank has initiated agricultural and fisheries development programme as well as a handloom development programme, turning these into independent institutions.

The Micro Credit Summit held in February 1997 in Washington D.C. promoted the Grameen Bank model as one of the leading models for micro-credit delivery. A target was fixed to reach 100 million poor families with credit by the year 2005. The Grameen Bank model was proposed to be followed to achieve the Summit goal. The Prime Minister of Bangladesh was one of the Co-Chairs of the Summit which serves to emphasize Bangladesh's contribution to poverty alleviation through micro-credit operations.

Bangladesh Rural Advancement Committee (BRAC), the largest NGO in Bangladesh working for rural development, was founded in 1972. Its programme includes multiple activities such as the mobilization of rural poor men and women in to groups to undertaking economic activities, providing training and credit, functional education on health and nutrition. Till 1996 BRAC covered 1,673,118 members of which 1560,187 were women. The craft development and marketing assistance programme to rural artisan group of BRAC has gained popularity among international community. The child survival programme has been able to popularize oral rehydration therapy for diarrhoeal disease control and child vaccination against six killer diseases. Its Non-Formal Primary Education model has gained national and international repute.

Proshika organizes rural landless men and women and poor peasants for socio-economic self reliance. Beneficiaries are organized into groups and encouraged to undertake income generating activities through their own savings supplemented by Proshika revolving loan fund. Differential terms and a lower rate of interest for women provide incentives for women to participate in economic activities. Proshika emphasizes the empowerment of the poor through a participatory development approach to achieve sustainable development.

Rangpur Dinajpur Rural Service (RDRS) a large NGO working in the northern region of the country was established in 1981. The main activity of RDRS is to improve agricultural methods and promote effective land use. The women's programme seeks to create self-confidence among poor and single women. Activities include organizing men and women into groups, providing functional education, vocational training and other activities. Out of about 65,000 group members women constitute about 45 percent.

Association for Social Advancement: Established in 1978, the organization operates a number of programmes including education, income generation, integrated health improvement and has benefitted 175,000 poor borrowers of whom 99 percent are female.

These targeted poverty alleviation programmes of NGOs often integrate health, nutrition, water and sanitation in their activities. Some of them provide legal education and counselling the rural areas as well as environmental education in a limited way.

Marketing of Products:

In recognition of the fact that marketing is one of the major constraints for rural women, both government and non-government organizations have undertaken special programmes to assist the rural women in marketing their products.

Government agencies such as Bangladesh Rural Development Board, Bangladesh Small and Cottage Industries Corporation, Department of Women Affairs have opened marketing outlets in the urban areas. Special fairs and exhibitions are also arranged from time to time.

NGOs like BRAC, Saptagram have also established marketing outlets. BRAC has also established three international marketing outlets.

Health, nutrition water and sanitation: Upazila Health complexes at each Upazila are accessible to the rural population. Family planning services combined with MCH are delivered at home by government programmes. Besides NGO programmes include motivation and educational programme on family planning, nutrition, primary health care, water and sanitation etc. Details are provided in Section 2.1.12. Information an education for rural women has been

provided in Section 2.2.10.

All planning in Bangladesh considers alleviation of poverty and employment generation as its central focus. People at the grassroots are encouraged to voice their needs through their elected bodies such as the Union Parishads. Rural women are involved and represented in local government through reserved seats. A participatory planning mechanism where people in rural areas can provide inputs in the national planning has been set in motion during formulation of the participatory perspective plan.

In conclusion, in spite of these being many innovative and successful rural development programmes in Bangladesh and in spite of attempts to increase coverage, government and NGO programmes together have not been able to reach all poor women. Adequate services and social security measures could not be ensured due to resource constraints.

Women headed households are increasing in the rural areas. Despite all the efforts to reach the poorest, often the development programmes cannot the reach the poorest of the poor households of the villages as they might not have the confidence, the time or the social support to participate in these programmes.

2.14 Article 15: Equality Before the Law and in Civil Matters

1. The State Parties shall accord to women equality with men before the law.

2. State Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. State Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. State Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

It is important to consider how the legal system in general functions to promote or hinder women's access to economic resources and control over personal life as a citizen. The legal system which includes fundamental and political rights, succession and right to property, marriage and divorce, guardianship over children and maintenance etc. determines the legal status of women in society. Discussions under Article 16 (Section 2.15) concern provisions of the personal and family law. This section deals with status of women in the civil law.

As has been mentioned under Article Two, the Constitution provides equal rights for women and men in the public sphere. Women are guaranteed equality with respect to men before the law in all matters except for those covered by the personal laws. Women are guaranteed equal legal capacity, including that relating to contracts, property and litigation, and legally the same opportunities to exercise that capacity.

Except for the inheritance of property, all other matters concerning property are governed by

civil law i.e. ownership, administration. Women can administer property, be executors or administrators of estates.Women have the right to make contracts, including those related to credit, real estate and other property as well as other commercial transactions, in their own names. They can obtain passports in their own names. They can obtain contraceptives in their own names.

Regarding litigation, women have equal rights to seek legal counsel or aid, equal legal capacity, equal testimonial and evidentiary status in the courtroom. According to the law women are to be treated equally in courts. Women can sue and be sued in their own names. The testimony of a woman is equal to that of a man in all civil and criminal matters. Women lawyers are entitled to represent clients before courts and tribunals. Women can serve in the judiciary, in civil and family courts. There are increasing numbers of women lawyers. Women are entitled to legal aid on the same basis as men.

The Government has a Legal Aid Fund which is available for reimbursement of legal costs in cases where special applications are made for such assistance. However, knowledge about its existence and procedures for applying for it are not well know and it is under utilized. Different NGO and non-government legal aid organizations also provide legal aid and counselling, many of them specially targeting women.

Although the legal provisions are equal for men and women, in practice women cannot avail of their rights in the same way as men can and these rights remain largely theoretical for the reasons mentioned earlier.

The law also provides equality in matters relating to freedom of movement, choice of residence and domicile. Female migration of labour is permitted. Although theoretically a woman has the right to choose where she will live, in practice her domicile generally is that of her father while unmarried and when married, that of her husband. When separated or divorced, her domicile generally becomes that of her father or brother(s).

2.15 Article 16: Equality in Marriage and Family Law.

1. State Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Personal affairs like marriage, divorce, custody of children, inheritance of property etc. are governed by religious laws. For Muslims these are governed by the "Shariah", based on Quran and Hadith. The Hindu population is governed by the Dayabhaga School of Hindu Law.

2.15.1 Marriage:

Islamic Law:

According to Muslim law, marriage is a contract between a man and a woman. The consent of both parties is required and ascertained. In reality the guardians of the groom and bride are in most cases the actual parties to forming the contract. Women and girls generally have to submit themselves to the will of their family members, particularly male kin, in this respect. Although the Muslim Family Laws Ordinance specifies the legal age of marriage as 18 years for women and 21 for men this provision of the law has been constantly violated, particularly in rural areas. The available statistics show that at the national level, the mean age at marriage for female was 13.9 years in 1961. It was 15.9 year in 1974, 16.8 years in 1981, 18.2 years in 1990 and 19.9 in 1995. Most marriages are not registered and even where they are the Marriage Registrars are obliged to guess the girl/woman's age as birth registration are not always done. The procedure is that the "Chowkidar" of the Union Council in rural areas should register births as most births take place outside hospitals or clinics. The average age at marriage implies that half

of the girls married are under 19 years of age and it is estimated that 20% of girls become mothers by the age of 15. Sexual intercourse with a girl/woman below the legal age of marriage i.e. 18 is a punishable offence according the law.

Marriage of a Muslim male with a non-Muslim woman is usually acceptable if she is Jewish or a Christian, but the marriage of a Muslim woman to a non-Muslim is not accepted i.e. not legal. Marriages of Muslim men to Hindu women and Muslim women to non-Muslim men have to take place in civil courts with the spouses declaring that they do not practice any religious faith.

Hindu Law:

Marriage is considered to be a religious sacrament.

2.15.2 Dower and Dowry:

Islamic Law:

According to the marriage contract the groom should pay "dower" to the bride following the Islamic "Shariah". Marriage usually involves a settlement from the groom to the bride the amount of which is determined at the time of marriage. This is the opposite of dowry which involves a transfer from the bride or her family to the groom and his family. This provision is intended to protect the wife since the "Shariah" does not envisage any provisions for maintenance upon divorce. In Bangladesh the amount of dower is payable to the wife before divorce or at the death of her husband. After a husband's death the wife is entitled to a living allowance, and only after having met this requirement can his property be divided among his heirs of which his wife is one (receiving one-eighth of his estate).

Dowry is the payment of a settlement from the family of the bride to the groom. This practice has grown in near past even though it is not a part of the Muslim marriage contract. Traditionally among the Muslims dowry was a voluntary gift given to a bride by her father out of affection. Now it has become an economic compulsion as parents know they cannot get their daughters married without paying dowry to the prospective groom. The man's family asks for prior commitments before marriage. If the girl's family fail to fulfil these commitments the marriage negotiations may be broken off which causes disgrace to the bride and her family. Even after marriage sometimes the bride is abused and tortured for full payment of dowry or with new demands, leading in extreme cases to suicide or homicide.

In 1980 the Parliament passed an Act called the Dowry Prohibition Act which was amended in 1982 by a Martial Law Regulation to prohibit taking or giving of dowry and made the giving or demand for dowry or abetment thereof, before, or at the time of and even after marriage, an offence punishable with imprisonment for one year or with a fine, or with both. Non payment of "Dower" and demand for "Dowry" has become a social phenomenon which the Dowry Prohibition Act seeks to eliminate. Although legal recourse against dowry exists it is generally not used as the social custom or providing dowry has become so pervasive and accepted that it is not possible to give a daughter in marriage without it.

Hindu Law:

Dowry is a part of the marriage practice. There is no tradition of dower. "Stridhan" is very

important for a Hindu woman. This practice is left unexcepted by the Dowry Prohibition Act.

A recent participatory rural appraisal has shown that the giving of dowry is considered one of the most important problems for both men and women. It is ranked as the third most acute problem and the fourth "resolvable aim" for government action (42). There are attempts to build up public opinion against the practice of dowry. Various NGOs have made it part of their social mobilization programmes. The Film Censor Board has a principle of censoring any scenes showing the giving or taking of dowry. However, the phenomenon of dowry is but one manifestation of the inferior status of women and without comprehensive measures to improve the status and position of women it will not be possible of take effective action against the practice of dowry.

2.15.3 Divorce:

Islamic Law:

The husband can divorce his wife without showing any reason and without his wife's consent while the wife can divorce her husband only on certain conditions and only if she is delegated the authority to do so by her husband at the time of marriage (it being specified in the marriage contract or through an amendment of the contract later). "Talak-e-Tawfiz" is an arrangement which allows the husband to delegate the power of divorce to his wife at the time of marriage, or subsequent thereto, under certain circumstances detailed in the written delegated authority (generally the marriage contract document). This provision was made in the Muslim family Law Ordinance.

The Dissolution of Muslim Marriage Act of 1939 for the first time recognized the right of an estranged wife to seek dissolution of marriage ties through court. One of the reasons for seeking divorce under the act was on grounds of cruelty towards the wife. The social practice or custom was to accept the utterance to the word "talak" three times as sufficient for divorce. The is no longer legally recognized. The Marriage and Divorce Registration Act of 1974 provides for a mediation process over a period of three months with repeated notices being served before a divorce can become legal. It also seeks to ensure that the dower money is paid. However, most divorces are not registered.

On dissolution of marriage the wife has no rights to property, other than any in her own name (either bought or inherited). There is also no legal binding to provide maintenance beyond the "iddat" period (i.e. the three month period before the divorce becomes effective). The provision of dower money is considered as a substitute. However there are certain judicial precedents awarding the wife the right to maintenance until she remarries.

Since divorce and remarriage of women is socially discouraged women are most often compelled to stay with their husbands even in cases where they have to submit to situations of physical and mental abuse. Since most marriages are not registered, and even where they are registered the women or her relatives generally do not seek to have delegation of authority for divorce, women generally can not initiate divorce.

Hindu Law:

There is no provision for divorce

Christian Law:

A suit is required for dissolution of marriage. Divorce is allowed by the Divorce Act 1869 whereby both men and women can apply to the court for dissolution of marriage. Christian men can divorce their wives for adultery alone but a Christian women has to prove adultery and one other matrimonial offense.

2.15.4 Polygamy:

Islamic Law:

Though the Muslim Family Laws Ordinance 1961 and its amendment in 1986 provides that a man can only marry a second time after having written permission from the first wife, limited polygamy still prevails in the country. However, when such a marriage is contracted without prior permission of the first wife, the second marriage is not void although legal measures can be taken against the man. The 1961 Ordinance for the first time made the registration of marriage compulsory and restricted polygamy by making it a requirement that the husband obtain the permission from the Chairman/Mayor of the Union Parishad/Pourashava for a second marriage, on certain grounds. The Ordinance made any marriage contracted without such permission punishable with imprisonment up to a year or a fine of 10,000 Takas or both. However the second marriage is not void.

Parents or guardians may sometimes knowingly marry a young woman or girl to a man who is already married. They assume that even as a second wife she will be fulfilling her social and religious obligations as a wife and will obtain the socio-economic security that is assumed to come with marriage.

According to the Shariah a man may take up to four wives but only if he can treat them all equally. Therefore after marriage he is obligated to treat them all equally. Otherwise the same rights and responsibilities of spouses towards each other apply as do in monogamous marriages.

Hindu Law:

Polygamy is recognized.

Christian Law:

Polygamy is prohibited. Marriage while already being married is illegal. The husband is liable to the offence of bigamy which is punishable under Section 494 of the Penal Code.

2.15.5 Guardianship and Maintenance:

Islamic Law:

The Guardianship and Wards Act of 1890 and its modifications have discriminatory provisions with respect to women. A mother is not regarded as the guardian of her children. The mother, in the case of divorce, is entitled to the care and custody of her male children until they are 7 years old and of her daughters until they reach puberty. The father-in-law of a widow becomes the legal guardian of her children and the widow has to be take permission from the court for disposing of her minor children's property.

The wife is not provided with any maintenance except the agreed upon "dower", which is often difficult to obtain. Thus, the fear of losing guardianship over children as well as losing security and property often makes a woman continue to live in oppressive situations as they have no other alternatives.

According to Islamic personal law the mother is guardian of her minor children in case of her husband's death but she has to be declared as guardian by the court for alienating minor children's property.

Islamic Law does not recognize adoption of children.

Hindu Law:

The father is considered to be the natural and legal guardian of the person and property of the minor child, and after him it is the mother. Under Section 7 of the Guardianship and Wards Act 1890 the Court may appoint any person as guardian of the minor person and property for the best interest and welfare of the child if the father is proved to be unfit. Under Hindu Law male children may be adopted.

Christian Law:

A Christian women, on the death of the husband, is the natural guardian of her minor child. She is also entitled to the custody of the child and to the guardianship of the property of the child. However, in case of divorce, the custody, maintenance, guardianship and the power to dispose of property of the minor by a Christian mother are determined by the Court.

2.15.6 Rights to property/inheritance:

Muslim Law:

The Quran provides that women, as daughters, mothers and wives would, under all circumstances, be entitled to some share of property under the law of inheritance. The 1961 Muslim Family Laws Ordinance was promulgated conferring among others things, inheritance rights to the children of the sons and daughters who may die before the father (i.e. rights to grandparents' property). Previously they could not inherit according to the rule that nearer in relationship excludes the remoter.

According to the provisions of the Muslim personal law the wife receives one eighth of the deceased husband's property when there is a child and one fourth when there is no child. The husband receives exactly double, one fourth or half of his wife's property depending upon whether there are children. A mother gets one sixth of her decreased child/children's property if he has a child or more than one brother or sister of her son. On the other hand, a father gets one sixth of his decrease children's property; in absence of any child of his son the customary practice is that he gets the entire residue after satisfying other sharers' claims.

A daughter inherits one half of her father's property but if there is more than one daughters, they inherit two thirds collectively. The rest of the property goes to the agnatic kin. When there is a son, a daughter inherits half of what the son gets as residuary. Thus the daughter is deprived in both cases.

It can therefore be said that the Islamic personal laws provide for protection of right of inheritance for women but preclude inheritance on an equal basis with male co-sharers. It is also customary for a woman not to claim her share of the family property unless it is given willingly. Women often surrender their right to property in exchange of the right to visit their parental home and seek their brothers' assistance in cases of marital conflict.

A male child is given preference with regards to the inheritance of property and its control inspite of there being several daughters. Property given to daughters is considered as property relinquished to her husband's family. This and the fact the daughters cannot inherit the entire property and a portion has to be given to other relatives, contributes to the preference for having sons and the lower value given to girls. There is an exception in the case of Shiah Muslim girls who may inherit the entire property if there are no sons.

So far as testamentary succession is concerned, a Muslim cannot bequeath more than a third of his estate and this can only be to some one who is not already an heir. Therefore, a Muslim cannot by "Will" bequeath all property to his only daughter if there are other heirs. But a will in excess of the legal third may be validated by the consent of the heirs as may a will to any heir.

Hindu Law:

According to the Hindu Law of inheritance the heirs, in order of priority, are son, grandson, great-grand son, daughter, daughter's son, father, mother, and so on. The doctrine of spiritual efficacy is the guiding principle determining the succession under Dayabhaga school. Hindu women's right to inheritance is limited. According to the Hindu Women's Right to Property Act of 1937 a widow, or if it was a polygamous marriage , all widows, inherit the same share as a son.

Christians:

Christians provide for equal inheritance between sons and daughters and wills can be made to bequeath property. Christian women's inheritance is guided by the Succession Act of 1925.

Right to choose a family name, a profession and occupation:

In Bangladesh the custom is for children to be given names that might not bear any relation to either parents' name. Children's names are decided by their parents. Muslim women do not have to change their name at marriage. Hindu women do.

2.15.7 Reproductive choices:

Section 2.11 discusses health care and family planning. However information relevant to this section is presented here. There is a Family Planning Policy. It encompasses access to family planning information, education and services. However, women are targeted more than men in family planning and more contraceptives are provided to them than to men. All 4500 Family Welfare Visitors are women and 22,500 Family Welfare Assistants are women, which shows the bias of the system towards women. The consent of the husband is required for women to carry out "menstrual regulation" (MR), a form of abortion. This is specified in Section 312 of the Penal Code. Abortion, as such, is not legal although the practice of Menstrual Regulation is allowed. However, contraceptives are freely available and doctors prescriptions are not required. There is increasing awareness that men need to take more reproductive responsibility in terms of taking action to reduce the number of children.

Culturally and socially women have not always been able to make decisions independently concerning birth control. However, increasing education levels and employment outside the home are giving women the means and incentives to make family planning decisions on their

own. However, there is still resistance to providing family planning and reproductive health education to adolescent unmarried girls.

2.15.8 Reservations on the Articles 16 (1) (c) and (f):

The Government of Bangladesh originally placed reservations on Articles 16(1) (a) and 16(1)(f) as conflicting with Shariah Law based on the Holy Quran and Sunnah. However the Constitution is the fundamental source of law in Bangladesh and laws incompatible with its provisions have no status.

Significant reforms in family law have shown that the Shariah is not immutable. In fact there have been many recent case laws where the higher judiciary is upholding, protecting and defending the Constitution in pursuance of their judicial oath of office, restricting the scope and application of laws that are inconsistent with the Constitution and therefore deemed to be automatically void. Articles 16(1)(c) and 16(1)(f) are specific areas of discrimination that are highlighted and the general provisions of equality before the law both under Article 2 of CEDAW as well as Article 27, 28, 29 and 31 under the Constitution, are wider in their application and scope, thereby encompassing the more specific articles. In addition, it is also to be noted that in respect of inheritance rights, Bangladesh has also committed itself to article 247(d) of the PFA as adopted in the Fourth World Conference on Women. Therefore the obligation under article 16(1)(f) is not new.

Since the obligations implied in the Articles 16(1)(c) and 16(1)(f) are less than the full constitutional obligations and mandate, when Bangladesh removes all reservations the State will not be undertaking any new obligations or mandate.

Various decisions of the Bangladesh Supreme Court show that within existing laws liberal interpretations can result in judgements that uphold gender equality. In various cases mothers have been given custody of children, even beyond the age limits stipulated by Islamic Law, on the basis of the best interests of the child. A progressive judgement awarded a divorced woman maintenance from her husband beyond the period of "iddat" until the time she remarries. Another such decision was to give the wife equal right to divorce. In another judgement in 1996 a judge of the High Court Division opined that the provisions of section 6 of the Muslim Family Laws Ordinance is against the principles of Islamic Law and recommended for substituting it by amendment, totally prohibiting polygamy in line with the personal statute of Tunisia, 1957.

PART III: MEASURES TAKEN TO IMPLEMENT THE BEIJING PLATFORM FOR ACTION.

The Fourth World Conference was held in Beijing in 1995 with the theme **Equality, Development and Peace**. Bangladesh endorsed the Platform for Action (PFA) without any reservations and it committed to ensuring its implementation at national level.

3.1 Drafting of a National Action Plan:

The Ministry of Women and Children's Affairs has been designated as the nodal ministry for follow-up and implementation of the PFA. An Interministerial Task Force was set up in December 1995. The Department of Women's Affairs took the initiative to set up a small working group entitled the Core Group for Beijing Follow-up to act as the substantive arm of the Task Force and assist the Department of Women's Affairs in planning and carrying out the work involved in the formulation of a national action plan based on the PFA. The Core Group is comprised of a number of women activists from outside the Government as well as persons from the Department itself.

The Core Group has worked closely with the Ministry to formulate and initiate a process for broad-based and participatory planning based on the PFA. A preliminary Draft National Action Plan was prepared by the Ministry and made available in December 1995 as a working document. A synthesis document of various pre-Beijing consultations, especially by non-government groups including women's organizations, was prepared and used for sectoral reviews and planning exercises with various line ministries of the Government.

The Ministry of Women and Children's Affairs also held a national level debriefing of all the government ministries in May 1996 where the heads of the different ministries participated in panel discussions on various chapters of the PFA and their relevance to their particular ministries.

The entire PFA as well as a summary version have been translated into Bangla. The summary version has been partially circulated within Government.

Sectoral review and needs assessment exercises began in August 1996. Twelve ministries were selected on a priority basis. These are as follows: Social Welfare; Education; Home; Law, Justice and Parliamentary Affairs; Industry; Agriculture; Environment and Forestry; Fisheries and Livestock; Labour and Manpower; Local Government Rural Development and Co-operatives; Health and Family Welfare; and Information.

Considering the Platform for Action, mandate and capacity of the Ministry the teams identified the relevant sections of the PFA for the ministry in question; reviewed the Ministry's activities, programmes, policies and budget allocations to identify the modifications needed, if any, to accomplish the strategic objectives as outlined in the PFA. They also identified the requirements in terms of resources, personnel and time to implement the strategies. Changes in institutional structure and mandate were also suggested.

The sectoral needs assessment exercise not only enabled the review and assessment of the policies, programmes and projects of various sectors in the light of the PFA and the Jakarta Plan

of Action, it also reinforced the role of the Ministry of Women and Children's Affairs as the coordinating and focal ministry for the advancement of women. It was also a means of involving the relevant sectoral ministries fully in the process of formulation of the national action plan, thereby securing their commitment to its implementation.

On the basis of the revised draft national plan of action, a synthesis of pre-Beijing consultations and the sectoral reviews, the final national action plan was drafted between December 96 and February 1997. It is presently being reviewed and commented on and it is expected to be finalized by the end of March, 1997.

Throughout the process the participation of individuals and organizations outside the Government: women's organizations, human rights groups, research organizations, private sector and professional associations was ensured.

3.2 Goals and Strategies of the National Action Plan:

Goals:

Recognizing women's present socio-economic contribution in all spheres and gender discrimination in terms of programmes, resources and facilities, the National Action Plan sets the following goals:

a. To make women's development an integral part of the national development programme.

b. To establish women as equal partners in development with equal roles in policy and decision making in the family, community and nation at large.

c. To remove legal, economic, political or cultural barriers that prevent the exercise of equal rights by undertaking policy reforms and strong affirmative actions.

d. To raise/create public awareness about women's differential needs, interests and priorities and increase commitment to bring about improvements in women's position and condition.

Strategies:

The plan emphasizes the strategy of mainstreaming of women's development into government policies and programmes. The underlying premise of the plan is that all sectoral ministries and agencies of the government have responsibilities for women's development because women are a major portion of the population that each agency exists to serve.

The role of the Ministry of Women and Children Affairs (MOWCA) as the national machinery is presented as a support organization to facilitate government wide mainstreaming of a gender equality perspective in all policy areas. Its role is mainly focused on advocacy, communication, coordination and monitoring of implementation. The NAP envisages strengthening of MOWCA

as well as other components of the national machinery of women's development, i.e. the National Council for Women's Development (NCWD) and WID Focal Points.

The plan offers detailed and concrete action programmes to achieve the goals. But it is not exhaustive. It provides a guideline for the sectoral ministries to develop more comprehensive plans for integrating women's development.

The shared responsibility for women's development by all partners in development including various government machineries, local government bodies, NGOs, women's organizations, research and training agencies etc. is strongly emphasized in the action plan.

Since most issues of women's development require a multi-sectoral approach, the NAP strongly emphasizes the need for intersectoral linkages, coordination and collaboration.

Regarding resource allocations, attempts have been made to make the maximum use of existing resources, undertaking reallocations where necessary. Only a few selective actions will require additional financial and technical resources, especially in the education and health sectors. The need for greater transparency in budget allocations has been stressed as an action common to all sectoral plans, making separate budget allocations for women staff and programmes.

The NAP concentrates on the following major areas ; policy, institutional mechanisms, skill and competencies, programme, research, linkage and monitoring. The main strategies in each of these areas is briefly outlined below:

Policy Formulation/ Revision and Incorporation of Women's Issues:

Several sectoral ministries have policies on what these sectors wish to achieve, their priorities, strategies or actions. Some sectoral policies are in the process of being formulated. Yet many of them do not have specific and positive statements or objectives concerning women's development. In order to develop comprehensive, integrated and sustainable institutions the NAP proposes the formulation and enactment of sectoral policies or the revision of existing policies to integrate and incorporate equity and equality measures for women taking into consideration their interest, needs and priorities. The plan of the Ministry of Home envisages a specific national policy on violence against women adopting the PFA definition.

The NAP obligates all Ministries and Government Agencies to integrate equality measures in their development plans, programmes and policy packages.

The NAP also proposes the development of professionally elaborated gender sensitive codes of conduct/ ethics/ self regulatory mechanisms for such professions as medical and media professionals, especially to have greater respect for women and their rights, monitor action and take internal disciplinary actions against violations of the agreed codes of conduct.

The NAP foresees formation of a body at each sectoral ministry with GO-NGO representation to monitor policy formulation/revision and implementation as well as dissemination of information regarding policy issues to all staff of the relevant ministries and its agencies. The role of MOWCA is to ensure that the sectoral plans incorporate women's needs, interest and concerns in all sectoral policies and monitoring implementation is also stated in the NAP.

Revision of Mandate:

Since the mandates of the sectoral ministries and their agencies do not specifically mention their responsibility for advancement of women, the plan proposes that the Allocation of Business/ Ordinances of the sectoral ministries/agencies should be revised to explicitly acknowledge the role of the ministries or their agencies in furthering the development and advancement of women.

The Allocation of Business of MOWCA has not been amended to reflect the specific commitments made in the PFA to developing the national focal point as a catalyst and advocate within government. The NAP proposes that MOWCA prepare a mission statement and revise its Allocation of Business accordingly.

Creation of awareness among all staff of the sectoral ministries about their revised mandate and their responsibilities in furthering the advancement and development of women has been stressed.

Women's Representation in Policy Making Bodies:

Considering the need for incorporating a gender perspective in policy decisions the NAP proposes ensuring adequate representation of women in all policy making bodies such as Governing Boards, Executive Committees, Local Government Bodies and project formulation, implementation and monitoring committees of the sectoral ministries and their agencies. In order to ensure effective and active participation of women members in various policy making bodies, the NAP suggests providing special orientation training to the women members on their roles and responsibilities and the organizations' objectives and activities.

Increasing Numbers and Proportion of Female Officers at All Levels:

Considering the low percentage of female staff at all levels the NAP emphasizes the importance of employment and promotion of increased numbers and percentages of women at entry, mid level and particularly at senior management positions. Lateral entry of women at senior levels from within the government and on contract service from outside is emphasized. To enhance the management role and the capacity of women managers the NAP stresses the need for management training and retraining.

Improving Working Conditions for Women:

The need for improving working condition of women in service to enable them better carry out their work responsibilities is stressed. Improved working conditions include providing maternity leave including leave during probation period, creches and day care centres, adequate numbers of separate toilet facilities, better transport facilities especially for night work and accommodation facilities for out of station tours.

Strengthening Capacity of WID Focal Points:

To ensure effective and coordinated efforts for the implementation of the NAP by the sectoral ministries and their agencies the NAP stresses the need to strengthen the capacity of WID Focal Points as an important component of the national machinery for women's advancement. The process of strengthening includes upgrading the positions of WID Focal Points, incorporation of their responsibilities as WID Focal Points in their job descriptions, appointment/nomination of

sub-WID Focal Points in all the agencies under the sectoral ministries, ensuring their membership in all project planning, implementation and monitoring committees, training of WID Focal Points, providing support staff and facilities and establishing intra/inter ministry coordination mechanisms.

Gender Training of Staff and Programme Beneficiaries:

Training of staff at all levels, both men and women to raise awareness about gender, women's empowerment and human rights including providing skills necessary to translate these concepts into programmes and projects is proposed. Emphasis is given on the formation of internal gender integration teams and integration of gender training into the training curriculum of the sectoral training institutions. Gender training has also been proposed for the beneficiary group members for the sectoral ministries working with such groups.

Management Training of the Women Managers:

This is related to increasing the number and proportion of women in management positions. The rational behind this is that with increased and improved skills in management, women managers will perform well and this will encourage the agencies to recruit more women.

Incorporation of gender specific indicators and sex-disaggregated data in monitoring formats:

The development and strengthening of the monitoring mechanisms of the sectoral ministries especially to incorporate gender specific indicators and sex disaggregated data is emphasized, in order to assess the effects of programmes and projects on men and women, make policy decisions and take corrective actions. A number of activities have been identified which include the identification of indicators, simplification of procedures and formats, staff training, development of participatory evaluation and monitoring systems including women's participation, feed back of information to field level and to the decision makers.

Linkage and Coordination:

In order to address problems and issues related to women's development in a more comprehensive way, the NAP strongly emphasizes the need for the development of institutional mechanisms to promote not only interministerial collaboration but also to establish linkages and coordination with NGOs, human rights groups, women's organizations, legal aid agencies, professional associations, private sector, and local government bodies.

Revision of Planning Process, Formats and Checklists:

The revision and improvement of project formats and checklists is proposed, through a more participatory process so that all project documents reflect the needs, interests and priorities of women.

Research:

The need for review of existing research done by various research agencies of the sectoral ministries and outside research institutions and identification of research needs in the field of

women's development through consultation meetings with different partners in women's development was identified.

3.3 Other Initiatives Taken:

The Government of Bangladesh, with the support of foreign development partners, has undertaken an institutional review of its women and development capability. The review was designed to assess whether the mechanisms, information, skills and commitment that are required to address women's development issues have been put into place by Government and to identify further steps that should be taken. The review covered national planning processes and the translation of plans into projects; national training capability; capacity for national machinery for women's advancement and two sectoral case studies were undertaken.

The review process began in late 1995 and a final workshop in scheduled for April 1997.

Other programme are being undertaken by the Ministry of Women and Children Affairs as a follow-up to the Beijing Conference: on trafficking (see Section 2.5.1), on violence against women (see Section 2.4) and to strengthen the policy leadership and advocacy role of the Ministry.

3.4 NGO Follow-up to the Beijing Conference

Various women's organizations and NGOs were very active in the phase leading up to the Beijing Conference. A number of them participated very actively in the NGO Forum and some were accredited to the Conference. As a follow-up to Beijing some organizations have undertaken new programmes while others have strengthened or revised their existing ones. The areas of concentration include violence against women, human rights (including training and advocacy related to CEDAW), gender training, political participation and empowerment, health (especially reproductive health), and the girl child. Among the strategies adopted by these organizations are networking with international, national and local organizations; advocacy and lobbying with policy makers; training; media mobilization and research.

Annex - A

ALLOCATION OF BUSINESS, MINISTRY OF WOMEN AND CHILDREN AFFAIRS

1. National policy regarding women's welfare.
2. Programme for the welfare and development of women.
3. Matters relating to women's social and legal rights.
4. Attending to the problems and affairs relating to women.
5. Programme for the upliftment of women including their employment opportunities.
6. Matters relating to the National Council for Women's Development (NCWD).
7. Matters relating to the Directorate for Women's Affairs.
8. Matters relating to the Bangladesh Jatiyo Mohila Sangstha and all other voluntary organizations exclusively devoted to women's welfare.
9. Control and registration of all women's voluntary welfare organizations.
10. Dealings and agreements with international organizations in the field of women's welfare.
11. Liaison with international organizations and enter into treaties and agreements with other countries and world bodies relating to subjects allotted.
12. Inquiries and statistics on any of the subjects allotted to this Ministry.
13. All laws on subjects allotted to this Ministry.
14. Fees in respect of any of the subjects allotted to this Ministry, except fees taken in court.
15. Matters relating to CRC and Children's Development.

REFERENCES:

1. Bangladesh Bureau of Statistics, **Statistical Pocket Book of Bangladesh 1996.**

2. World Bank, **World Development Report, 1996**

3. Bangladesh Institute of Development Studies, **Family Trend Analysis in 62 Villages, 1996.**

4. World Bank, **World Development Report, 1996**

5. Bangladesh Institute of Development Studies, **Family Trend Analysis in 62 Villages, 1996.**

6. Bangladesh Bureau of Statistics, **Bangladesh Population Census 1991, Report**.

7. **Bangladesh Country Paper for the Third SAARC Ministerial Conference on Children**, Government of Bangladesh, August 1996.

8. **Bangladesh Educational Statistics 1994**, Bangladesh Bureau of Educational International Statistics (BANBEIS), Ministry of Education, Dhaka, December, 1995.

9. **Women and Men in Bangladesh: Facts and Figures 1970-90**, Bangladesh Bureau of Statistics, Dhaka.

10. Bangladesh Bureau of Statistics, **Report on Labour Force Survey 1995-96, December 1996.**

11. **Fourth Five Year Plan (1990-95)**, Planning Commission, Government of Bangladesh, Dhaka 1990.

12. **Draft Participatory Perspective Plan (1995-2010)**, Planning Commission, Government of Bangladesh, 1996.

13. **Write Up on Fifth Five Year Plan**, Ministry of Women and Children Affairs, Dhaka.

14. **Samata: Bangladesh Decade Action Plan for the SAARC Decade of Girl Child, 1991-2000**, Ministry of Social Welfare, Government of the Peoples' Republic of Bangladesh, Dhaka 1991.

15. Bangladesh Bureau of Statistics, **Report on Labour Force Survey 1995-96, December 1996.**

16. Women for Women, **Naribarta**, Dhaka, September, 1996., pg 4.

17. **Women and Men in Bangladesh: Facts and Figures 1970-90**, Bangladesh Bureau of Statistics, pg 73.

18. Bangladesh Public Service Commission, **Annual Report**, 1995.

19. Bangladesh Bureau of Statistics, **Statistical Pocket Book of Bangladesh 1996**, pg 166.

20. Bangladesh Bureau of Statistics, **Statistical Pocket Book of Bangladesh 1996,** pg 166.

21. **Bangladesh Educational Statistics 1994**, Bangladesh Bureau of Educational International Statistics (BANBEIS), Ministry of Education, Dhaka, December, 1995.

22. **Bangladesh Educational Statistics 1994**, Bangladesh Bureau of Educational International Statistics (BANBEIS), Ministry of Education, Dhaka, December, 1995, pg 4.

23. **Bangladesh Educational Statistics 1994**, Bangladesh Bureau of Educational International Statistics (BANBEIS), Ministry of Education, Dhaka, December, 1995.

24. **Country Paper Bangladesh**, World Summit for Social Development, Government of Bangladesh, 1995

25. Bangladesh Bureau of Statistics, **Report on Labour Force Survey 1995-96**, December 1996.

26. **Women in Bangladesh : Equality, Development and Peace**, Country Paper of Bangladesh for Fourth World Conference on Women, 1995.

27. Bangladesh Bureau of Statistics, **Report on Labour Force Survey 1995-96, December 1996**, pg 57.

28. Bangladesh Bureau of Statistics, **Report on Labour Force Survey 1995-96, December 1996**, pg 53.

29. Bangladesh Bureau of Statistics, **Report on Labour Force Survey 1995-96, December 1996**, pg 58.

30. Bangladesh Bureau of Statistics, **Statistical Pocket Book of Bangladesh**, 1996, pg. 335.

31. **Country Paper Bangladesh**, World Summit for Social Development, Government of Bangladesh, 1995

32. **Bangladesh Country Paper for the Third SAARC Ministerial Conference on Children**, Government of Bangladesh, August 1996.

33. **Country Paper Bangladesh**, World Summit for Social Development, Government of Bangladesh, 1995

34. Akhter, Halida Hanum; M. Hafizur Rahman; Shehlina Ahmed, **Reproductive Health Issues and Implementation Strategies in Bangladesh**, Bangladesh Institute of Research for Promotion of Essential and Reproductive Health and Technologies (BIRPERTH), Dhaka, May 1996.

35. Akhter, Halida Hanum; M. Hafizur Rahman; Shehlina Ahmed, **Reproductive Health Issues and Implementation Strategies in Bangladesh**, Bangladesh Institute of Research

for Promotion of Essential and Reproductive Health and Technologies (BIRPERTH), Dhaka, May 1996, pg 16.

36. Bangladesh Bureau of Statistics, **Statistical Pocket Book of Bangladesh 1996.**

37. **Women in Bangladesh : Equality, Development and Peace**, Country Paper of Bangladesh for Fourth World Conference on Women 1995.

38. **Country Paper Bangladesh**, World Summit for Social Development, Government of Bangladesh, 1995, pg 58.

39. Bangladesh - Health and Population Sector Strategy, draft 7/12/96, pg 8.

40. Bangladesh - Health and Population Sector Strategy.

41. Credit and Development Forum, **Savings and Credit Information of NGOs**, Volume 2, No. 1, October 1996.

42. World Food Programme Bangladesh, **Vulnerable Group Development Annual Reports** 89-95.

43. Credit and Development Forum, **Savings and Credit Information of NGOs**, Volume 2, No. 1, October 1996.